

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5658) TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEAR 2009 FOR MILITARY ACTIVITIES OF THE DEPARTMENT OF DEFENSE, TO PRESCRIBE MILITARY PERSONNEL STRENGTHS FOR FISCAL YEAR 2009, AND FOR OTHER PURPOSES

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MAY 21, 2008.—Referred to the House Calendar and ordered to be printed

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Mr. CARDOZA, from the Committee on Rules,  
submitted the following

## R E P O R T

[To accompany H. Res. 1218]

The Committee on Rules, having had under consideration House Resolution 1218, by a record vote of 8 to 4, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for further consideration of H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, under a structured rule without further general debate.

The resolution considers as an original bill for the purpose of amendment the amendment in the nature of a substitute recommended by the Committee on Armed Services. The committee amendment shall be considered as read. The resolution waives all points of order against the committee amendment except those arising under clause 10 of rule XXI. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).

The resolution makes in order only those amendments printed in this report and waives all points of order against such amendments except those arising under clause 9 or 10 of rule XXI. The amendments made in order shall be considered as read, shall be debatable for the time specified in this report equally divided by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The resolution permits the chairman of the Committee on Armed Services or his designee to offer amendments en bloc if those amendments have been printed in this report and not earlier disposed of. The Chairman of the Committee of the Whole may recognize for consideration any amendment printed in this report out of the order it was printed but not sooner than 30 minutes after the

chairman of the Committee on Armed Services announces from the floor a request to that effect. The resolution provides one motion to recommit with or without instructions. The rule provides that, notwithstanding the operation of the previous question, the chair may postpone further consideration until a time designated by the Speaker. The rule provides that in the engrossment of H.R. 5658, the text of H.R. 6048, as passed the House, shall be added at the end of H.R. 5658. The resolution authorizes the Speaker to entertain motions that the House suspend the rules at any time through the legislative day of Thursday, May 22, 2008, relating to any measure pertaining to agricultural programs.

#### EXPLANATION OF WAIVERS

The waiver of all points of order against the committee amendment (except for those arising under clause 10 of rule XXI) includes waivers of: (1) clause 7 of rule XVI (germaneness), (2) clause 4 of rule XXI (appropriating on legislative bills), and (3) section 303 of the Congressional Budget Act (mistimed changes in direct spending).

#### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

##### *Rules Committee record vote No. 507*

Date: May 21, 2008.

Measure: H.R. 5658.

Motion by: Mr. Dreier.

Summary of motion: To strike section 8 of the rule.

Results: Defeated 4–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

##### *Rules Committee record vote no. 508*

Date: May 21, 2008.

Measure: H.R. 5658.

Motion by: Mr. Diaz-Balart.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Brown-Waite (FL), #27, which provides for the concurrent payment of voluntary separation incentives and veterans disability compensation to eligible veterans.

Results: Defeated 4–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

##### *Rules Committee record vote No. 509*

Date: May 21, 2008.

Measure: H.R. 5658.

Motion by: Mr. Diaz-Balart.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Akin (MO), #46, which would add H.R. 6023, the Freedom to Serve Act, to title V of the bill. The amendment would make it a federal criminal offense (1) to interfere with or intimidate any person providing military recruiting services, (2) to intimidate or interfere with anyone inquiring about service in the U.S. armed services or National Guard of any state, or (3) to damage or destroy any recruiting facility or attempt to do so. A penalty includes a fine, imprisonment, or both.

Results: Defeated 4–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

*Rules Committee record vote No. 510*

Date: May 21, 2008.

Measure: H.R. 5658.

Motion by: Mr. Hastings (WA).

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Bishop, Rob (UT), #78, which provides the Secretary of Defense (or his designee) authority to procure fuels from alternative fuel sources, such as coals-to-liquids, tar sands, and oil shale, if the Secretary determines that it is in the best interest of defense readiness and national security.

Results: Defeated 4–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

*Rules Committee record vote No. 511*

Date: May 21, 2008.

Measure: H.R. 5658.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Sessions (TX), #102, which states a Sense of Congress that the United States Congress needs to support the development, testing, and fielding of the capability to intercept ballistic missiles in their boost phase.

Results: Defeated 4–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

*Rules Committee record vote No. 512*

Date: May 21, 2008.

Measure: H.R. 5658.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Hunter (CA), #124, which provides that the President shall provide for expedited permitting processes for the construction and operation of petroleum refineries on military installations. Permits the Defense Secretary to enter

into agreement with a U.S. person to build and operate a petroleum refinery on a military installation. It requires the President to notify Congress if the President utilizes the permitting authority.

Results: Defeated 4–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

*Rules Committee record vote No. 513*

Date: May 21, 2008.

Measure: H.R. 5658.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Terry (NE), #36, which would provide the Department of Defense multi-year procurement authority for the purchase of alternative and synthetic aviation fuel.

Results: Defeated 4–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

*Rules Committee record vote No. 514*

Date: May 21, 2008.

Measure: H.R. 5658.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Fortenberry (NE), #66, which would replace the TRICARE Reserve Select premium recalculation and upper limit with a refund of premiums beyond 28% of program cost when premiums collected exceed 33% of actual program cost for the year. Refunds would be issued in 2010 and every year thereafter.

Results: Defeated 4–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

*Rules Committee record vote No. 515*

Date: May 21, 2008.

Measure: H.R. 5658.

Motion by: Mr. McGovern.

Summary of motion: To report the rule.

Results: Adopted 8–4.

Vote by Members: McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Cardoza—Yea; Welch—Yea; Arcuri—Yea; Sutton—Yea; Dreier—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Slaughter—Yea.

## SUMMARY OF AMENDMENTS MADE IN ORDER

1. Skelton (MO): Manager's Amendment. Makes a series of technical corrections to H.R. 5658, as reported by the Committee on Armed Services on May 16, 2008. (5 minutes)

2. Skelton (MO)/Berman (CA)/Lowey (NY): Requires the Defense Secretary, Secretary of State, and USAID Administrator to establish a standing advisory panel to improve integration on matters of national security. The twelve-member panel, appointed by the three agency heads, will look closely at how the three agencies collaborate on specific overseas national security issues. (20 minutes)

3. Akin (MO): Would increase funding for Future Combat Systems by \$193 million. The increase would be offset by (1) a \$30 million reduction in Navy research, development, test, and evaluation; (2) a \$138 million reduction in DOD military personnel; and \$25 million from the Defense Health Program. (10 minutes)

4. Spratt (SC): Requires the DNI, on an annual basis, to submit to Congress an update of the National Intelligence Estimate entitled "Iran: Nuclear Intentions and Capabilities" and dated November 2007. Such update may be submitted in classified form. The President shall notify Congress in writing within 15 days of determining that Iran has met or surpassed any major milestone in its nuclear weapons program or that Iran has undertaken to accelerate, decelerate, or cease the development of any significant element within its nuclear weapons program. (20 minutes)

5. Smith, Adam (WA): Would require the President to develop and submit to Congress a comprehensive interagency strategy for strategic communication and public diplomacy by December 31, 2009. It also requires the President to submit a report describing the current roles and activities of the Departments of Defense and State in those areas, as well as to assess and report on a key recommendation by the Defense Science Board, by June 30, 2009. (5 minutes)

6. Franks (AZ): Would add \$719 million to the Missile Defense Agency's budget. This amendment directs the Department of Defense to utilize the \$719 million for Theater High-Altitude Area Defense (THAAD), Aegis Ballistic Missile Defense, and Tests & Targets within the Missile Defense Agency account portfolio. The offset for the \$719 million is to be determined by the Secretary of Defense from title II of the bill (Research, Development, Test, and Evaluation). (20 minutes)

7. Tauscher (CA): Clarifies that the Federal Advisory Committee Act (FACA) does not apply to the Congressional Commission on the Strategic Posture of the United States, which was established by section 1062 of the National Defense Authorization Act for FY 2008. (5 minutes)

8. Boren (OK): Would amend Sec. 526 of the Energy Independence and Security Act of 2007 to include clarifying language regarding the procurement by a federal agency of alternative or synthetic fuels. Would clarify the conditions in Sec. 526 by which DOD and other federal agencies would be allowed to enter into a contract to purchase a generally available fuel, if it is not predominantly an alternative or synthetic fuel. The amendment would also set forth a set of conditions pursuant to these changes. (20 minutes)

9. Cummings (MD)/Watson (CA): Revises section 595 of the bill (Senior Military Leadership Diversity Commission) to add two Coast Guard officers to the membership of the Commission. (5 minutes)

10. Sestak (PA): Would provide that autistic children of members of the Armed Forces, who are enrolled in the Extended Care Health Option program, receive a minimum of \$5,000 per month of autistic therapy services. (5 minutes)

11. Sestak (PA): Would establish the Visiting NIH Senior Neuroscience Fellowship Program at the Defense Advanced Research Projects Agency (DARPA) and the Defense Center of Excellence for Psychological Health and Traumatic Brain Injury (DCoE). (5 minutes)

12. Buyer (IN): Would provide \$22.3 million for Army Reserve first term dental readiness and \$8.5 million for Army Reserve demobilization dental treatment. (5 minutes)

13. Slaughter (NY)/Poe (TX): Would require defense contractors supporting the missions in Iraq and Afghanistan to report violent crimes committed against or by Defense Department contract employees and require that the information be made public. Would require defense contractors to provide victims with medical and psychological assistance. (5 minutes)

14. Castle (DE)/Hinojosa (TX): Would give the secretary of a military department authority to authorize military installations to enter into partnerships with colleges, universities, and technical schools for the purposes of improving the accessibility and flexibility of college courses available to active duty service members. Such partnerships would be used to conduct outreach, develop flexible class schedules and locations, assist with academic counseling, and assess how resources may be applied more effectively to meet educational needs of service members. (5 minutes)

15. Waxman (CA): Would (1) require agencies to enhance competition in contracting, (2) limit the use of abuse-prone contracts, (3) rebuild the federal acquisition workforce, (4) strengthen anti-fraud measures, and (5) increase transparency in federal contracting. (20 minutes)

16. LaHood (IL): Would allow a service member with a minor dependent (child under the age of 19) to request a deferment of a deployment to a combat zone if their spouse is currently deployed to a combat zone. (5 minutes)

17. Woolsey (CA): Requires the Navy Secretary and the Interior Secretary to negotiate a memorandum of agreement to transfer the decommissioned Naval Security Group Activity, Skaggs Island, Sonoma, California, from the Navy to the U.S. Fish and Wildlife Refuge for inclusion in the National Wildlife Refuge System. It also permits the Navy and the Interior Secretary to accept donations from the State of California and other entities to cover the costs of building removal and environmental remediation. It provides that funds received may be merged with other amounts available to carry out the section and shall remain available, without appropriation and until expended. (5 minutes)

18. Berman (CA): Adds an additional finding to title XVI of the bill (Reconstruction and Stabilization Civilian Management) to reflect the Administration's request for stabilization activities. It also modifies the amendment to the Foreign Assistance Act made by

section 1604 of the bill relating to using otherwise transferred or reprogrammed funds for stabilization or reconstruction assistance to have it apply to fiscal years 2009, 2010, and 2011 instead of fiscal years 2008, 2009, and 2010. It also increases the amount that can be used for these purposes from \$100 million to \$200 million. (10 minutes)

19. Porter (NV): Finds that Congress and the Secretary of Defense should work to understand and identify the contributing factors related to suicide amongst our service men and women. Additionally, the Amendment strongly encourages the Secretary of Defense to conduct a study related to the mental health risk for non-combatative service members, such as Unmanned Aerial Vehicle (UAVs) Operators. Moreover, this amendment advises that Congress and the Secretary of Defense provide our military with responsible mental health services and information related to suicide prevention. (5 minutes)

20. Capito (WV): Would increase the amount provided for DOD military personnel by \$3 million, one million each for the Army Secretary, Navy Secretary, and Air Force Secretary, for the funeral honors program. The increase would be offset by a \$3 million reduction to be derived from the basic research under the University Research Initiatives. (5 minutes)

21. Cooper (TN): Would require the Secretary of Defense to report to Congress an acquisition strategy for insurance required by the Defense Base Act. (5 minutes)

22. Flake (AZ): Would prohibit any funds appropriated to carry out H.R. 5658 from being used for a library/lifelong learning center at Marine Corps Base Twentynine Palms, California. (10 minutes)

23. Tierney (MA): Would reduce funding for the Missile Defense Agency by \$966.2 million. It would provide \$75 million for the Cooperation Threat Reduction program, \$592 million for the non-proliferation and WMD programs of the Energy Department, \$30 million for impact aid to help local educational agencies provide support to dependents of service members, \$30 million for family support of wounded service members, \$30 million for suicide prevention programs for service members, and \$10 million for a pilot program to identify and retrain wounded service members as military health professionals to treat other wounded service members. Any remaining funds would be used to fund National Guard and Reserve shortfalls, especially in connection with homeland security activities. (20 minutes)

24. Price, Tom (GA): Amends safeguards and internal controls of DOD to require that appropriate inventory and property systems are updated promptly in response to expenditures charged to a purchase card related to sensitive and pilferable property. It also requires that penalties for violations of the law provide for the reimbursement of charges for unauthorized or erroneous purchases. (5 minutes)

25. Price, David (NC): Would prohibit agencies under the Department of Defense from using contractors to perform interrogations. The amendment would allow the use of contractors for interpretation. (10 minutes)

26. Lee (CA): Provides that no provision in any status of forces agreement negotiated between the United States and the Government of Iraq that obligates the United States to the defense of Iraq

from internal or external threats shall have any legal effect unless the agreement is in the form of a treaty requiring the advice and consent of the Senate, or is specifically authorized by an Act of Congress. (20 minutes)

27. Fossella (NY): Would direct the Secretary of Defense, in consultation with the United States Postal Service, to provide postal benefits to service members serving in Iraq or Afghanistan or currently hospitalized under the care of the Armed Forces. Qualified individuals will receive one voucher for every two months their designated service member is overseas. The Department of Defense will be appropriated an amount equal to the expenses incurred by the program. The Department of Defense will transfer funds to the Postal Service in advance of each calendar quarter equal to the estimated costs that the Postal Service will incur. (5 minutes)

28. Inslee (WA): Directs the Defense Secretary to include the effects of greenhouse gas emissions in planning, requirements development, and acquisition processes. Included is the development of a performance parameter to measure greenhouse gas emissions in acquisitions. (10 minutes)

29. Inslee (WA): Directs the Defense Secretary to study the use of power management software at DOD facilities to reduce the amount of electricity consumed by computers, monitors, and other electronic equipment. (5 minutes)

30. Brown-Waite (FL): Permits the Army Secretary to award the Army Combat Action Badge to those soldiers who served during the dates ranging from December 7, 1941, to September 18, 2001, if the Secretary determines such individuals have not been previously recognized in an appropriate manner for such participation. The Army Secretary may arrange with suppliers of the Badge so that eligible recipients may procure the Badge directly from suppliers. (10 minutes)

31. McGovern (MA)/Bishop, Sanford (GA)/Sestak (PA): Requires the Defense Secretary to release to the public, upon request, the names, ranks, countries of origin, and other information of students and instructors of the Western Hemisphere Institute for Security Cooperation ("WHINSEC"). The amendment covers fiscal years 2005–2008 and any fiscal year thereafter. (20 minutes)

32. Holt (NJ)/Tauscher (CA)/Grijalva (AZ)/Schakowsky (IL): Would require the videotaping or electronic recording of detainee interrogations in the custody of or under the effective control of the Department of Defense. Directs the Judge Advocates General of the respective military services to develop uniform guidelines for such videotaping or electronic recording, and for said guidelines to be provided to Congress. (10 minutes)

33. Pearce (NM): Would amend title XXXI (DOE National Security Programs) to remove \$10 million in funding for energy conservation on military installations and increase funding for the Reliable Replacement Warhead program by \$10 million. (10 minutes)

34. McDermott (WA): Would require DOD to report to Congress on implementation of the recommendations of the report entitled, "Review of the Toxicologic and Radiologic Risks to Military Personnel from Exposure to Depleted Uranium During and After Combat." The Secretary shall expand the depleted uranium registry and identify and provide additional health monitoring for Gulf War level II personnel who had several hours of unprotected exposure



to such munitions in perforated vehicles. The report shall describe the progress being made in identifying these veterans and the additional health monitoring being provided. (5 minutes)

35. King, Steve (IA): Would require the Chief of the National Guard Bureau to submit a report to Congress detailing the extent to which the various provisions enacted within title XVIII of the FY08 National Defense Authorization Act (National Guard Bureau Matters) have been effective in giving the National Guard a clearer voice in policy and budgetary discussions within the Department of Defense and assessing the adequacy of Department of Defense funding for the resource requirements of the National Guard. (5 minutes)

36. Matsui (CA): Would allow the Defense Department six months to review appeals from service members who were denied full Army College Fund benefits under Army Incentive Program contracts. It also provides that a payment under the amendment may be made without regard to any limits on total combined amounts under the Army College Fund and the Montgomery GI Bill. (5 minutes)

37. DeFazio (OR): Would require that for any Department of Defense contract for truck transportation or service using fuel, the motor carrier, broker, or freight forwarder involved in the transaction must pass any fuel surcharge on to the person responsible for paying the cost of fuel and to disclose that surcharge and other charges in writing. The amendment also directs the Department of Defense to prescribe regulations for the enforcement of this provision, including any necessary penalties or sanctions. (5 minutes)

38. Turner (OH): Would require a report from the Secretary of Defense within 45 days after the date of enactment on laboratory personnel demonstration projects. (5 minutes)

39. Stupak (MI): Would extend eligibility for military disability retired pay to individuals who left enlisted service in order to attend a military academy between January 1, 2000 and October 28, 2004, and who suffered a disabling injury while attending the academy. (5 minutes)

40. DeLauro (CT)/Courtney (CT): Requires the Defense Secretary to conduct a demonstration project to assess the feasibility and efficacy of providing a face to face post-deployment mental health screening between a member of the Armed Forces and a mental health provider. The project shall be developed by the Defense Secretary in conjunction with the VA Secretary and HHS Secretary. The Defense Secretary may coordinate with any accredited college, university, hospital-based or community-based mental health center the Secretary deems appropriate. (5 minutes)

41. Everett (AL): Would expand existing authority for professional military education institutions of the Army, Navy, Air Force, and Marine Corps to award degrees to graduates of their schools. The amendment also would establish congressional notification requirements for the establishment, modification, redesignation, or termination of any new or existing degree programs. It prohibits the awarding of a degree unless the Education Secretary has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies and the curriculum leading to the degree is accredited by

the appropriate civilian agency or organization (as determined by the Education Secretary). (5 minutes)

42. Schakowsky (IL): Would require the Secretary of Defense to revise the regulations issued pursuant to section 862 of the Fiscal Year 2008 National Defense Authorization Act (contractors performing private security functions in areas of combat operations) to ensure that private security contractors are not authorized to perform inherently governmental functions in an area of combat operations. It also requires the Defense Secretary, in coordination with other agency heads, to review the performance of private security contractors to ensure compliance with the amendment. (5 minutes)

43. Schiff (CA): Would require the Defense Secretary to study methods to verifiably reduce the likelihood of accidental nuclear launch by any nation. The Secretary must report to Congress on the results of the study within 6 months. (5 minutes)

44. Blumenauer (OR): Would require the Defense Secretary to establish a program to research and develop unexploded ordnance detection technology and facilitate the deployment of this technology in the field. The Secretary may carry out the program via grants or other financial arrangements with states, private companies, academic institutions, or other nongovernmental entities. (5 minutes)

45. Bordallo (GU): Would permit the Transportation Secretary, acting through the Maritime Administration, to establish a Port of Guam Improvement Enterprise Program to provide for the planning, design, and construction of projects for the Port of Guam to improve facilities, relieve port congestion, and provide greater access to port facilities. It also establishes in the United States Treasury a separate account known as the Port of Guam Improvement Enterprise Fund to carry out the program. It permits funds in the account to be deposited and transferred to the Administrator. Provides that nothing in the section shall authorize amounts made available under 23 U.S.C. sec. 215 or other funds for highway improvements not eligible for making port improvements to be deposited into the Fund. (5 minutes)

46. Moore, Gwen (WI): Would require the Comptroller General to review, and report to Congress within one year on, the DOD's implementation of the recommendations of the Department of Defense Task Force on Mental Health to ensure a full continuum of psychological health services and care for members of the Armed Forces and their families. (5 minutes)

47. Ortiz (TX): Would require a report be submitted to the congressional defense committees by the Secretary of the Navy not later than 120 days after enactment of the act on future jet carrier training requirements. The report shall assess the Navy's plan concerning jet carrier training requirements; assess studies conducted by independent organizations concerning jet carrier trainer requirements; and include a cost-benefit analysis between a new start program or modernization of the existing platform. (5 minutes)

48. Kennedy, Patrick (RI)/Shea-Porter (NH): Requires the Secretary of Defense to conduct a demonstration project to assess the feasibility of providing a behavioral health care provider locator and appointment assistance service for members of the reserve components of the Armed Forces seeking treatment for depression, post traumatic stress disorder, substance abuse problems, and

other mental illnesses. The demonstration program would include a toll-free hotline that would be available 24 hours a day 7 days a week to help reservists find behavioral health care providers and schedule outpatient appointments within the TRICARE network. (5 minutes)

49. Israel (NY): Requires the Secretary of Defense to report to Congress on DOD's policies regarding the sale and disposal of used motor vehicle oil, including policies to require closed loop recycling of used oil as a means of reducing total indirect energy usage and greenhouse gas emissions. The Secretary shall implement such policies whenever feasible. (5 minutes)

50. Israel (NY): Would create a joint Department of Defense/Department of State program for the purpose of hiring Iraqis (who supported U.S. efforts in Iraq and who have resettled in the U.S.) as translators, interpreters, and cultural awareness instructors for various agencies of the federal government. It also requires the Defense Secretary and Secretary of State to work with NGO's and refugee coordinators of the State Department to ensure Iraqis resettled in the U.S. are informed of the program. (10 minutes)

51. Schwartz (PA)/Murphy, Patrick (PA): Would prevent future use of the airfield at NASJRB Willow Grove, Pennsylvania, for commercial passenger operations; commercial cargo operations; commercial, business, or nongovernment aircraft operations not related to missions of the installation; and as a reliever airport to relieve congestion at other airports. (5 minutes)

52. Bishop, Sanford (GA): Would provide 180 days of transitional health care to those service members who separate honorably from active duty and agree to serve in the Guard or Selected Reserve at no charge to the service member. It would offset the cost by cutting \$22 million from the Missile Defense Agency. (10 minutes)

53. Braley (IA): Requires the President to submit a report to Congress on the long-term costs of Operation Iraqi Freedom and Operation Enduring Freedom within 90 days of enactment. The amendment directs the estimate to be based on certain scenarios; make projections through at least Fiscal Year 2068; and take into account and specify various factors, including operational costs, reconstruction costs, and the cost of providing health care and disability benefits. (10 minutes)

54. Carney (PA): Would express the sense of Congress that each military department should, to the maximum extent practicable, provide honor guard details for the funerals of veterans. (5 minutes)

55. Ellsworth (IN)/Emanuel (IL): Would revise the Federal Acquisition Regulation by requiring each contract awarded by the Department of Defense to contain a clause prohibiting the contractor from performing the contract using a subsidiary or subcontractor that is a foreign shell company if the foreign shell company will perform the work of the contract or subcontract using United States citizens or permanent residents of the United States. A foreign shell company is an entity that is incorporated outside the United States or Canada and does not manage, direct, or exercise operational control over personnel performing work under a contract of the entity. (10 minutes)

56. Hodes (NH)/DeFazio (OR)/DeLauro (CT): Provides that no funds authorized in the bill may be used for propaganda purposes,

and directs the DOD Inspector General and GAO to report on whether or not the defense analysts program violated propaganda provisions of Department of Defense appropriations bills for Fiscal Years 2002 through 2008. (20 minutes)

57. Yarmuth (KY)/Klein (FL): Would make it the policy of the United States that any Status of Forces Agreement (SOFA) negotiated between the U.S. and Iraq include measures requiring the Iraqi Government to provide financial or other types of support for U.S. Armed Forces stationed in Iraq. (10 minutes)

58. Foster (IL)/Schiff (CA): Amends title XXXI of the bill (DOE National Security Programs) to require the Administrator for Nuclear Security to establish a fellowship program for Ph.D. candidates in nuclear chemistry. The amendment would support research and development of our nation's nuclear forensics capability, call for the enhancement and linkage of international nuclear material databases to enable prompt data access, establish a joint independent Nuclear Forensics Advisory Panel of recognized experts, and require the President to report to Congress on Cabinet-level participation in nuclear terrorism preparedness exercises that include nuclear forensics analysis. (10 minutes)

#### TEXT OF AMENDMENTS MADE IN ORDER

##### 1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SKELTON OF MISSOURI, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES

In section 201(1), strike the dollar amount and insert the following: "\$10,688,695,000".

In section 201(2), strike the dollar amount and insert the following: "\$19,764,738,000".

In section 595(a), strike "(1) IN GENERAL.—".

In section 713(d)(1)(B), strike "copayments for smoking cessation services had been waived pursuant to subsection (b) during that year" and insert "if the beneficiary had not been excluded under subsection (a) from the smoking cessation program under that subsection".

In section 714, amend the section heading to read as follows:

##### **SEC. 714. PREVENTIVE HEALTH ALLOWANCE.**

In section 832, page 329, line 12, strike "438(c)(1)(A)" and insert "438(d)(1)".

In section 1001(a)(2), in lieu of the blank underscore after the dollar sign, insert "4,000,000,000".

In section 2902, strike subsection (a) and insert the following new subsection:

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Navy: Inside the United States**

State	Installation or Location	Amount
California	Camp Pendleton .....	\$19,962,000

## Navy: Inside the United States—Continued

State	Installation or Location	Amount
	China Lake .....	\$7,210,000
	Point Mugu .....	\$7,250,000
	San Diego .....	\$17,930,000
	San Diego, Marine Corps Recruit Depot ..	\$43,200,000
	Twentynine Palms .....	\$12,324,000
Florida .....	Eglin Air Force Base .....	\$780,000
Mississippi	Gulfport .....	\$6,570,000
North Carolina.	Camp Lejeune .....	\$27,980,000
	Parris Island Marine Corps Recruit Depot.	\$16,000,000
Virginia ...	Yorktown .....	\$8,070,000

In section 2902(c), strike the dollar amounts in the matter preceding paragraph (1) and in paragraph (1) and insert “\$197,618,000” and “\$171,176,000”, respectively.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SKELTON OF MISSOURI, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of title X, add the following new section:

**SEC. 1071. STANDING ADVISORY PANEL ON IMPROVING INTEGRATION BETWEEN THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT ON MATTERS OF NATIONAL SECURITY.**

(a) **ESTABLISHMENT OF ADVISORY PANEL.**—The Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall jointly establish an advisory panel to review the respective roles and responsibilities of the Department of Defense, the Department of State, and the United States Agency for International Development in the national security collaborative system.

(b) **MEMBERSHIP.**—

(1) **COMPOSITION.**—The advisory panel shall be composed of 12 members, of whom—

(A) three shall be appointed by the Secretary of Defense, in consultation with the Secretary of State and the Administrator;

(B) three shall be appointed by the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Secretary of State, and the Administrator;

(C) three shall be appointed by the Secretary of State, in consultation with the Secretary of Defense and the Administrator; and

(D) three shall be appointed by the Administrator, in consultation with the Secretary of Defense and the Secretary of State.

(2) **CHAIRMAN.**—The Secretary of Defense, the Secretary of State, and the Administrator shall jointly designate one member as chairman.

(3) VICE CHAIRMAN.—The Secretary of Defense, the Secretary of State, and the Administrator shall jointly designate one member as vice chairman. The vice chairman may not be a member appointed to the advisory panel under paragraph (1) by the same Secretary or Administrator that appointed the chairman to the advisory panel under paragraph (1).

(4) EXPERTISE.—Members of the advisory panel shall be private citizens of the United States with national recognition and significant experience in the Federal Government, the Armed Forces, public administration, foreign affairs, or development.

(5) DEADLINE FOR APPOINTMENT.—All members of the advisory panel shall be appointed not earlier than January 20, 2009, and not later than March 20, 2009.

(6) TERMS.—The term of each member of the advisory panel is for the life of the advisory panel.

(7) VACANCIES.—A vacancy in the advisory panel shall be filled not later than 30 days after such vacancy occurs and in the manner in which the original appointment was made.

(8) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the advisory panel in expeditiously providing to the members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(9) STATUS.—A member of the advisory board who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee, except for the purposes of chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

(10) EXPENSES.—The members of the advisory panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the advisory panel.

(c) MEETINGS AND PROCEDURES.—

(1) INITIAL MEETING.—The advisory panel shall conduct its first meeting not later than 30 days after the date that all appointments to the advisory panel have been made under subsection (b).

(2) MEETINGS.—The advisory panel shall meet not less often than once every three months. The advisory panel may also meet at the call of the Secretary of Defense, the Secretary of State, or the Administrator.

(3) PROCEDURES.—The advisory panel shall carry out its duties under procedures established under subsection (d).

(4) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory panel.

(d) SUPPORT OF FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State and the Administrator, shall enter into a contract with a federally funded research and develop-

ment center for the provision of administrative and logistical support and assistance to the advisory panel in carrying out its duties under this section. Such support and assistance shall include the establishment of the procedures of the advisory panel under subsection (c)(3).

(2) DEADLINE FOR CONTRACT.—The Secretary of Defense shall enter into the contract required by this subsection not later than 60 days after the date of the enactment of this Act.

(e) DUTIES OF PANEL.—

(1) The advisory panel shall analyze the roles and responsibilities of the Department of Defense, the Department of State, and the United States Agency for International Development regarding—

- (A) stability operations;
- (B) non-proliferation;
- (C) foreign assistance (including security assistance);
- (D) strategic communications;
- (E) public diplomacy;
- (F) the role of contractors; and
- (G) other areas the Secretary of Defense, the Secretary of State, and the Administrator consider appropriate.

(2) In providing advice, guidance, and recommendations to improve the national security collaborative system, the advisory panel shall review—

- (A) the structures and systems that coordinate policy-making;
- (B) the roles and responsibilities of the departments and agencies of the Federal Government involved in the national security collaborative system;
- (C) integrating the expertise of the departments and agencies of the Federal Government involved in the national security collaborative system; and
- (D) coordinating personnel assigned abroad as part of the national security collaborative system.

(f) COOPERATION OF OTHER AGENCIES.—Upon request by the advisory panel, any department or agency of the Federal Government shall provide information that the advisory panel considers necessary to carry out its duties.

(g) REPORTS.—

(1) INTERIM REPORT.—

(A) Not later than 180 days after the first meeting of the advisory panel, the advisory panel shall submit to the Secretary of Defense, the Secretary of State, and the Administrator, a report that identifies—

- (i) aspects of the national security collaborative system that should take priority during the improvement of integration between the Department of Defense, the Department of State, and the United States Agency for International Development; and
- (ii) methods to better integrate the national security collaborative system.

(2) ANNUAL REPORT.—

(A) Not later than December 31 of each year, the advisory panel shall submit to the Secretary of Defense, the Secretary of State, and the Administrator, a report on—

- (i) the activities of the advisory panel;
- (ii) any deficiencies in the national security collaborative system;
- (iii) any improvements made to the national security collaborative system;
- (iv) methods to better integrate the national security collaborative system; and
- (v) such findings, conclusions, and recommendations as the advisory panel considers appropriate.

(3) **SUBMISSION OF REPORT TO CONGRESS.**—The Secretary of Defense, the Secretary of State, and the Administrator shall submit to the appropriate committees of Congress the reports under this subsection and any additional information considered appropriate.

(4) **CONGRESSIONAL BRIEFINGS.**—Not later than 30 days after the submission of each report under this subsection, the advisory panel shall meet with the appropriate committees to brief such committees on the matters contained in the report.

(5) **APPROPRIATE COMMITTEES.**—For the purposes of this subsection, the appropriate committees of Congress are the following:

(A) The Committees on Foreign Relations, Armed Services, and Appropriations of the Senate.

(B) The Committees on Foreign Affairs, Armed Services, and Appropriations of the House of Representatives.

(h) **TERMINATION OF ADVISORY PANEL.**—The advisory panel shall terminate on September 30, 2013.

(i) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the United States Agency for International Development.

(2) **NATIONAL SECURITY COLLABORATIVE SYSTEM.**—The term “national security collaborative system” means the structures, mechanisms, and processes by which the Department of Defense, the Department of State, and the United States Agency for International Development coordinate and integrate their policies, capabilities, expertise, and activities to accomplish national security missions overseas.

(3) **STABILITY OPERATIONS.**—The term “stability operations” means stability and reconstruction operations conducted by departments or agencies of the Federal Government described by Department of Defense Directive 3000.05, National Security Presidential Directive 1, or National Security Presidential Directive 44.

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### 3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE AKIN OF MISSOURI, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title II, add the following new section:

#### **SEC. 203. INCREASED FUNDING FOR FUTURE COMBAT SYSTEMS.**

(a) **INCREASE.**—The amount provided in section 201(1) for research, development, test, and evaluation, Army, is hereby increased by \$193,000,000, of which—



(1) \$101,000,000 shall be available for Future Combat Systems, MGV; and

(2) \$92,000,000 shall be available for Future Combat Systems, SoS Engineering.

(b) CORRESPONDING OFFSETS.—The amount in section 201(2) for research, development, test, and evaluation, Navy, is hereby reduced by \$30,000,000, to be derived from PE 0305205N, line 198 Endurance Unmanned Aerial Vehicles, Broad Area Maritime Surveillance. The amount in section 421, military personnel, is hereby reduced by \$138,000,000, to be derived from unobligated balances. The amount in section 1403, Defense Health Program, is hereby reduced by \$25,000,000, to be derived from unobligated balances.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SPRATT OF SOUTH DAKOTA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Strike section 1224 of the bill and insert the following:

**SEC. 1224. REQUIREMENT TO UPDATE NATIONAL INTELLIGENCE ESTIMATE ON IRAN'S NUCLEAR INTENTIONS AND CAPABILITIES.**

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to Congress an update of the National Intelligence Estimate, entitled “Iran: Nuclear Intentions and Capabilities” and dated November 2007. Such update may be submitted in classified form.

(b) ELEMENTS TO BE CONSIDERED.—Each update submitted under subsection (a) shall include the following:

(1) The locations, types, and number of centrifuges and other specialized equipment necessary for the enrichment of nuclear material and any plans to develop and operate such equipment in the future.

(2) An estimate of the amount, if any, of enriched to weapons-grade uranium materials acquired or produced to date and plutonium acquired or produced and reprocessed into weapons-grade material to date, an estimate of the amount of plutonium that is likely to be produced and reprocessed into weapons-grade material in the near- and midterms and the amount of uranium that is likely to be enriched to weapons-grade levels in the near- and midterms, and the number of nuclear weapons that could be produced with each category of materials.

(3) A description of the security and safeguards at any nuclear site that could prevent, slow, verify or monitor the enrichment of uranium or the reprocessing of plutonium into weapons-grade materials.

(4) A description of the weaponization activities, such as the research, design, development, or testing of nuclear weapons or weapons-related components.

(5) A description of programs to construct, acquire, test, or improve methods to deliver nuclear weapons, including an assessment of the likely progress of such programs in the near- and mid-terms.

(6) A summary of assessments made by other allies of the United States of Iran's nuclear weapons program and nuclear-capable delivery systems programs.

(c) NOTIFICATION.—The President shall notify Congress, in writing, within 15 days of determining that—

(1) the Islamic Republic of Iran has met or surpassed any major milestone in its nuclear weapons program; or

(2) Iran has undertaken to accelerate, decelerate, or cease the development of any significant element within its nuclear weapons program.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SMITH OF WASHINGTON, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES

At the end of title X, add the following new section:

**SEC. 1071. COMPREHENSIVE INTERAGENCY STRATEGY FOR STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY ACTIVITIES OF THE FEDERAL GOVERNMENT.**

(a) COMPREHENSIVE STRATEGY.—

(1) STRATEGY.—The President shall develop a comprehensive interagency strategy for public diplomacy and strategic communication that updates and builds upon the strategy outlined by the Strategic Communication and Public Diplomacy Policy Coordinating Committee in the publication titled “U.S. National Strategy for Public Diplomacy and Strategic Communication” (June, 2007).

(2) CONTENTS.—The strategy required by this subsection shall contain overall objectives, goals, actions to be performed, and benchmarks and timetables for the achievement of such goals and objectives.

(3) COMPONENTS.—The strategy shall include the following components:

(A) Prioritizing the mission of supporting specific foreign policy objectives, such as counterterrorism and efforts to combat extremist ideology, in parallel and in complement with, as appropriate, the broad mission of communicating the policies and values of the United States to foreign audiences.

(B) Consolidating and elevating Federal Government leadership to prioritize, manage, and implement the strategy required by this subsection, including the consideration of establishing strategic communication and public diplomacy positions at the National Security Council and establishing a single office to coordinate strategic communication and public diplomacy efforts.

(C) Improving coordination across departments and agencies of the Federal Government on—

(i) strategic planning;

(ii) research activities, such as research into the attitudes and behaviors of foreign audiences; and

(iii) the development of editorial content, including content for Internet websites and print publications.

(D) Developing a more rigorous, research-based, targeted approach to strategic communication and public diplomacy efforts, with efforts differentiated for specific target audiences in various countries and regions.

(E) Developing more rigorous monitoring and evaluation mechanisms.

(F) Making greater use of innovative tools in strategic communication and public diplomacy research and operations, including new media platforms and social research technologies.

(G) Making greater use of participation from private sector entities, academic institutions, not-for-profit organizations, and other non-governmental organizations in supporting strategic communication and public diplomacy efforts, including the consideration of establishing an independent, not-for-profit organization described in subsection (b).

(H) Increasing resources devoted to strategic communication and public diplomacy efforts.

(4) REPORTS.—

(A) INITIAL REPORT.—Not later than December 31, 2009, the President shall submit to the appropriate committees of Congress a report that describes the strategy required by this subsection.

(B) SUBSEQUENT REPORTS.—Not less than once every two years after the submission of the initial report under subparagraph (A), the President shall submit to the appropriate committees of Congress a report on—

- (i) the status of the implementation of the strategy;
- (ii) progress toward achievement of benchmarks;
- and
- (iii) any changes to the strategy since the submission of the previous report.

(b) STUDY OF INDEPENDENT ORGANIZATION.—

(1) STUDY.—The Secretary of State and the Secretary of Defense shall jointly conduct a study assessing the recommendation from the Defense Science Board's Task Force on Strategic Communication to establish an independent, not-for-profit organization responsible for providing independent assessment and strategic guidance to the Federal Government on strategic communication and public diplomacy.

(2) SCOPE.—The study shall include—

- (A) an assessment of the benefits gained by establishing such an organization; and
- (B) an outline of the potential framework of such an organization, including its organization, mission, capabilities, and operations.

(c) REPORT ON ROLES OF DEPARTMENTS OR AGENCIES OF THE FEDERAL GOVERNMENT.—

(1) REPORT.—Not later than June 30, 2009, the President shall submit to the appropriate committees of Congress a report—

- (A) describing the roles of the Department of State and the Department of Defense regarding strategic communication and public diplomacy; and
- (B) assessing proposals to establish an independent center to support government-wide strategic communication and public diplomacy efforts, including the study described in subsection (b).

(2) REPORT ELEMENTS.—The report shall contain the following:

(A) A description of activities performed by the Department of Defense as part of strategic communication, including—

- (i) efforts to disseminate directly to foreign audiences messages intended to shape the security environment of a combatant command;
- (ii) psychological operations, including those in direct support of contingency operations other than Operation Enduring Freedom or Operation Iraqi Freedom, that are intended to counter extremist and hostile propaganda or promote stability and security; and
- (iii) public affairs programs to shape the opinions of foreign audiences.

(B) A current description of activities conducted by the Under Secretary for Public Diplomacy and Public Affairs at the Department of State, including—

- (i) outreach to mass audiences and strategic audiences, such as opinion makers, youth, and other targeted groups, using media, lectures, information centers, and cultural events;
- (ii) use of interactive media technologies, such as Internet blogs and social networking websites, to build relationships and to counter extremist groups using similar media;
- (iii) education and exchange programs;
- (iv) book translation; and
- (v) work with non-governmental organizations and private-sector partners.

(C) A definition of the roles of the offices within the Department of State and the Department of Defense that are engaged in message outreach to audiences abroad.

(D) A detailed explanation of how the Department of State and the Department of Defense perform unique strategic communication activities and public diplomacy activities.

(E) An explanation of how the Department of State and the Department of Defense coordinate strategic communication and public diplomacy activities in—

- (i) using polls, focus groups, and other measures to learn the attitudes and behavior of foreign audiences;
- (ii) publishing editorial content on Internet websites and in print media;
- (iii) organizing field support for military information support teams, civil affairs, and other shared activities;
- (iv) using foreign-directed education and training resources; and
- (v) training personnel in both departments by exchanging faculty and students of the Foreign Service Institute, the Army War College, the Naval War College, and other similar institutions.

(d) FORM AND AVAILABILITY OF REPORTS.—

(1) FORM.—The reports required by this section may be submitted in a classified form.

- (2) AVAILABILITY.—Any unclassified portions of the reports required by this section shall be made available to the public.
- (e) APPROPRIATE COMMITTEES.—For the purposes of this section, the appropriate committees of Congress are the following:
- (1) The Committees on Foreign Relations, Armed Services, and Appropriations of the Senate.
  - (2) The Committees on Foreign Affairs, Armed Services, and Appropriations of the House of Representatives.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FRANKS OF ARIZONA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of title II, add the following new section:

**SEC. 2 . INCREASED AMOUNT FOR MISSILE DEFENSE AGENCY.**

- (a) INCREASE.—The amount in section 201(4), research, development, test, and evaluation, defense-wide, is hereby increased by \$719,000,000, to be derived by increasing the amounts, as the Secretary of Defense determines, for—
- (1) the Terminal High Altitude Area Defense program;
  - (2) the Aegis ballistic missile defense program; and
  - (3) the ballistic missile defense testing and targets program.
- (b) OFFSET.—The total amount authorized in title II for research, development, test, and evaluation is hereby reduced by \$719,000,000, to be derived from any account other than the Missile Defense Agency, as determined by the Secretary of Defense.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TAUSCHER OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 5 MINUTES

At the end of title X, insert the following new section:

**SEC. 1071. NONAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT TO THE CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.**

Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 476) is amended by adding at the end the following new subsection:

“(h) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the commission, which advises Congress, because the Federal Advisory Committee Act applies only to commissions that advise the executive branch.”.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BOREN OF OKLAHOMA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of subtitle D of title III, add the following new section:

**SEC. 335. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.**

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is amended—

- (1) by striking “No Federal agency” and inserting “(a) REQUIREMENT.—Except as provided in subsection (b), no Federal agency”; and
- (2) by adding at the end the following:

“(b) EXCEPTION.—Subsection (a) does not prohibit a Federal agency from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

“(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

“(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

“(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.”.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUMMINGS OF MARYLAND, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES

In section 595, redesignate subsection (h) as subsection (i) and insert after subsection (g) the following new subsection:

(h) INCLUSION OF COAST GUARD IN SENIOR MILITARY LEADERSHIP DIVERSITY COMMISSION.—

(1) EXPANSION OF COMMISSION.—The commission shall include two additional members, as follows:

(A) 1 retired flag officer of the Coast Guard appointed by the Secretary of Homeland Security, in consultation with the Commandant of the Coast Guard.

(B) 1 senior commissioned officer or noncommissioned officer of the Coast Guard on active duty appointed by the Secretary of Homeland Security, in consultation with the Commandant of the Coast Guard.

(2) ARMED FORCES DEFINED.—In this section, the term “Armed Forces” means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SESTAK OF PENNSYLVANIA, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES

Page 282, insert after line 2 the following:

(a) MINIMUM COST SHARE PER MONTH.—The Secretary of Defense shall ensure that autistic children of members of the Armed Forces enrolled in the Extended Care Health Option program shall be eligible to receive a minimum of \$5,000 per month of autistic therapy services.

Page 282, line 3, strike “(a)” and insert “(b)”.

Page 282, line 8, strike “(b)” and insert “(c)”.

Page 282, line 23, strike “(c)” and insert “(d)”.

Page 282, insert after line 3 the following:

(3) EXTENDED CARE HEALTH OPTION.—The term “Extended Care Health Option” means the program of extended benefits provided pursuant to subsections (d), (e), and (f) of section 1079 of title 10, United States Code.

(e) FUNDING.—Of the amount authorized to be appropriated by section 1511(a), \$29,000,000 is authorized to be used to carry out this section.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SESTAK OF PENNSYLVANIA, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES

At the end of title II, insert the following new section:

**SEC. 239. VISITING NIH SENIOR NEUROSCIENCE FELLOWSHIP PROGRAM.**

(a) **REQUIREMENT TO ESTABLISH.**—The Secretary of Defense may establish a program to be known as the Visiting NIH Senior Neuroscience Fellowship Program (in this section referred to as the “Program”) at the Defense Advanced Research Projects Agency (DARPA) and the Defense Center of Excellence for Psychological Health and Traumatic Brain Injury (DCoE).

(b) **ACTIVITIES OF THE PROGRAM.**—The Program may—

(1) provide a partnership between the National Institutes of Health (NIH) and DARPA that will enable identification and funding of the broadest range of innovative, highest quality clinical and experimental neuroscience studies for the benefit of men and women in the Armed Forces;

(2) provide a partnership between the NIH and the DCoE that will enable identification and funding of clinical and experimental neuroscience studies for the benefit of men and women in the Armed Forces;

(3) provide a technology transfer mechanism whereby the results of such studies can, where appropriate, be used to enhance the health mission of the NIH for the benefit of the public; and

(4) provide a military/civilian collaborative environment for neuroscience-based medical problem-solving in critical areas impacting both military and civilian life, particularly post-traumatic stress disorder.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BUYER OF INDIANA, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES

At the end of title III, add the following new section:

**SEC. 362. FUNDING FOR PROGRAMS RELATING TO DENTAL READINESS FOR THE ARMY RESERVE.**

Of the amount authorized in section 301(6) to be appropriated for fiscal year 2009 for the Army Reserve—

(1) \$22,300,000 is authorized for first term dental readiness; and

(2) \$8,500,000 is authorized for demobilization dental treatment.

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SLAUGHTER OF NEW YORK, OR HER DESIGNEE, DEBATABLE FOR 5 MINUTES

At the end of title VIII, add the following new section:

**SEC. 849. ADDITIONAL CONTRACTOR REQUIREMENTS AND RESPONSIBILITIES RELATING TO ALLEGED CRIMES BY OR AGAINST CONTRACTOR PERSONNEL IN IRAQ AND AFGHANISTAN.**

(a) **REQUIREMENTS FOR DEFENSE CONTRACTORS.**—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall develop requirements relating to covered offenses allegedly perpetrated by or against contractor personnel in the case of defense contractors performing covered contracts.

(2) SPECIFIC MATTERS COVERED.— The requirements developed under paragraph (1) shall include the following:

(A) REPORTING REQUIREMENT.—A requirement for defense contractors to report, in a manner prescribed by the Secretary of Defense, covered offenses allegedly perpetrated by or against contractor personnel.

(B) ASSISTANCE.—A requirement for defense contractors to provide for victim and witness safety, medical assistance, and psychological assistance in the case of a covered offense. The Secretary of Defense shall prescribe regulations to carry out this subparagraph, and the regulations shall be in accordance with regulations of the Department of Defense relating to restricted reporting for sexual assaults.

(C) INFORMATION.—A requirement that the contractor provide to all contractor personnel who will perform work on the contract, before beginning such work, information on the following:

(i) How and where to report an alleged covered offense.

(ii) Where to seek the assistance required by subparagraph (B).

(3) IMPLEMENTATION AS CONDITION OF CURRENT AND FUTURE CONTRACTS.—

(A) CURRENT CONTRACTS.—With respect to any covered contract in effect on the date of the enactment of this Act, the contract shall be modified to include the requirements under paragraph (1) as a condition of the contract.

(B) FUTURE CONTRACTS.—With respect to any covered contract entered into by the Department of Defense after the date of the enactment of this Act, the requirements developed under paragraph (1) shall be included as a condition of the covered contract.

(b) GOVERNMENT REQUIREMENTS.—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall make publicly available a numerical accounting of alleged covered offenses reported under this section. The information shall be updated no less frequently than quarterly.

(c) DEFINITIONS.—In this section:

(1) COVERED CONTRACT.—The term “covered contract”—

(A) means a contract with the Department of Defense performed—

(i) in Iraq or Afghanistan; or

(ii) in any area designated by the Secretary as being in support of the United States mission in Iraq or Afghanistan; and

(B) includes—

(i) any subcontract at any tier under the contract; and



- (ii) any task order or delivery order issued under the contract or such a subcontract.
- (2) COVERED OFFENSE.—The term “covered offense”, with respect to a covered contract, means an offense under chapter 212 of title 18, United States Code—
  - (A) that is a crime of violence (as defined in section 16 of such title 18); and
  - (B) that is committed—
    - (i) by or against contractor personnel; and
    - (ii) in geographic areas where the covered contract is performed.
- (3) CONTRACTOR PERSONNEL.—The term “contractor personnel” means any person performing work under a covered contract, including individuals and subcontractors at any tier.

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14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CASTLE OF DELAWARE, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES

Add at the end of subtitle E of title V, the following new section:

**SEC. 5 \_\_\_\_ . ENHANCING EDUCATION PARTNERSHIPS TO IMPROVE ACCESSIBILITY AND FLEXIBILITY FOR MEMBERS OF THE ARMED FORCES.**

- (a) AUTHORITY.—The Secretary of a military department may enter into one or more education partnership agreements with educational institutions in the United States for the purpose of—
  - (1) developing plans to improve the accessibility and flexibility of college courses available to eligible members of the Armed Forces;
  - (2) improving the application process for the Armed Forces tuition assistance programs and raising awareness regarding educational opportunities available to such members;
  - (3) developing curriculum, distance education programs, and career counseling designed to meet the professional, financial, academic, and social needs of such members; and
  - (4) assessing how resources may be applied more effectively to meet the educational needs of such members.
- (b) COST.—Except as provided in this section, execution of an education partnership agreement with an educational institution shall be at no cost to the Government.
- (c) EDUCATIONAL INSTITUTION DEFINED.—In this section, the term “educational institution” means an accredited college, university, or technical school in the United States.

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15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WAXMAN OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Add at the end of the bill the following new division:

**DIVISION D—GOVERNMENTWIDE  
ACQUISITION IMPROVEMENTS**

## TITLE XLI—ENHANCED COMPETITION

- Sec. 4101. Minimizing sole-source contracts.
- Sec. 4102. Limitation on length of certain noncompetitive contracts.
- Sec. 4103. Requirement for purchase of property and services pursuant to multiple award contracts.

## TITLE XLII—CURBING ABUSE-PRONE CONTRACTS

- Sec. 4201. Regulations to minimize the inappropriate use of cost-reimbursement contracts.
- Sec. 4202. Preventing abuse of interagency contracts.
- Sec. 4203. Prohibitions on the use of lead systems integrators.
- Sec. 4204. Regulations on excessive pass-through charges.
- Sec. 4205. Linking of award and incentive fees to acquisition outcomes.
- Sec. 4206. Minimizing abuse of commercial services item authority.

## TITLE XLIII—ACQUISITION WORKFORCE

- Sec. 4301. Acquisition workforce development fund.
- Sec. 4302. Contingency contracting corps.

## TITLE XLIV—ANTI-FRAUD PROVISIONS

- Sec. 4401. Protection for contractor employees from reprisal for disclosure of certain information.
- Sec. 4402. Mandatory Fraud Reporting.
- Sec. 4403. Access of General Accounting Office to Contractor Employees.
- Sec. 4404. Preventing conflicts of interest.

## TITLE XLV—ENHANCED CONTRACT TRANSPARENCY

- Sec. 4501. Disclosure of CEO salaries.
- Sec. 4502. Database for contracting officers and suspension and debarment officials.
- Sec. 4503. Review of database.
- Sec. 4504. Disclosure in applications.
- Sec. 4505. Role of interagency committee.
- Sec. 4506. Authorization of independent agencies.
- Sec. 4507. Authorization of appropriations.
- Sec. 4508. Report to Congress.
- Sec. 4509. Improvements to the Federal procurement data system.

**SEC. 4001. SHORT TITLE.**

This division may be cited as the “Clean Contracting Act of 2008”.

**TITLE XLI—ENHANCED COMPETITION****SEC. 4101. MINIMIZING SOLE-SOURCE CONTRACTS.**

(a) **PLANS REQUIRED.**—Subject to subsection (c), the head of each executive agency covered by title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) or, in the case of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall develop and implement a plan to minimize, to the maximum extent practicable, the use of contracts entered into using procedures other than competitive procedures by the agency or department concerned. The plan shall contain measurable goals and shall be completed and submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate and, in the case of the Department of Defense and the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives, with a copy provided to the Comp-

troller General, not later than 1 year after the date of the enactment of this Act.

(b) **COMPTROLLER GENERAL REVIEW.**—The Comptroller General shall review the plans provided under subsection (a) and submit a report to Congress on the plans not later than 18 months after the date of the enactment of this Act.

(c) **REQUIREMENT LIMITED TO CERTAIN AGENCIES.**—The requirement of subsection (a) shall apply only to those agencies that awarded contracts in a total amount of at least \$1,000,000,000 in the fiscal year preceding the fiscal year in which the report is submitted.

(d) **CERTAIN CONTRACTS EXCLUDED.**—The contracts entered into under the authority of the Small Business Act shall not be included in the plans developed and implemented under subsection (a), except contracts that are awarded pursuant to section 602 of Public Law 100–656 (as amended by section 22 of Public Law 101–37 (103 Stat. 75), section 2 of title V of Public Law 101–515 (104 Stat. 2140), section 205 of Public Law 101–574 (104 Stat. 2819), and section 608 of Public Law 103–403 (108 Stat. 4204)).

**SEC. 4102. LIMITATION ON LENGTH OF CERTAIN NONCOMPETITIVE CONTRACTS.**

(a) **CIVILIAN AGENCY CONTRACTS.**—Section 303(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(d)) is amended by adding at the end the following new paragraph:

“(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an executive agency pursuant to the authority provided under subsection (c)(2)—

“(i) may not exceed the time necessary—

“(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

“(II) for the executive agency to enter into another contract for the required goods or services through the use of competitive procedures; and

“(ii) may not exceed 270 days unless the head of the executive agency entering into such contract determines that exceptional circumstances apply.

“(B) This paragraph applies to any contract in an amount greater than \$1,000,000.”.

(b) **DEFENSE CONTRACTS.**—Section 2304(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an agency pursuant to the authority provided under subsection (c)(2)—

“(i) may not exceed the time necessary—

“(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

“(II) for the agency to enter into another contract for the required goods or services through the use of competitive procedures; and

“(ii) may not exceed 270 days unless the head of the agency entering into such contract determines that exceptional circumstances apply.

“(B) This paragraph applies to any contract in an amount greater than \$1,000,000.”.

**SEC. 4103. REQUIREMENT FOR PURCHASE OF PROPERTY AND SERVICES PURSUANT TO MULTIPLE AWARD CONTRACTS.**

(a) **REGULATIONS REQUIRED.**—Not later than 12 months after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require enhanced competition in the purchase of property and services by all executive agencies pursuant to multiple award contracts.

(b) **CONTENT OF REGULATIONS.**—

(1) **IN GENERAL.**—The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of property or services in excess of the simplified acquisition threshold that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer—

(A) waives the requirement on the basis of a determination that—

(i) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) or section 2304c(b) of title 10, United States Code, applies to such individual purchase; or

(ii) a law expressly authorizes or requires that the purchase be made from a specified source; and

(B) justifies the determination in writing.

(2) **COMPETITIVE BASIS PROCEDURES.**—For purposes of this subsection, an individual purchase of property or services is made on a competitive basis only if it is made pursuant to procedures that—

(A) except as provided in paragraph (3), require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such property or services under the multiple award contract; and

(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

(3) **EXCEPTION TO NOTICE REQUIREMENT.**—

(A) **IN GENERAL.**—Notwithstanding paragraph (2), and subject to subparagraph (B), notice may be provided to fewer than all contractors offering such property or services under a multiple award contract as described in subsection (d)(2) if notice is provided to as many contractors as practicable.

(B) **LIMITATION ON EXCEPTION.**—A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under subparagraph (A) unless—

(i) offers were received from at least 3 qualified contractors; or

(ii) a contracting officer of the executive agency determines in writing that no additional qualified con-

tractors were able to be identified despite reasonable efforts to do so.

(c) PUBLIC NOTICE REQUIREMENTS RELATED TO SOLE SOURCE TASK OR DELIVERY ORDERS.—Not later than 12 months after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require the head of each executive agency to publish on—

(1) FedBizOpps notice of all sole source task or delivery orders in excess of the simplified acquisition threshold that are placed against multiple award contracts not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders; and

(2) the website of the agency and through a Governmentwide website selected by the Administrator for Federal Procurement Policy the determinations required by (b)(1)(B) related to sole source task or delivery orders placed against multiple award contracts not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders.

(3) This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.

(d) DEFINITIONS.—In this section:

(1) The term “individual purchase” means a task order, delivery order, or other purchase.

(2) The term “multiple award contract” means—

(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of title 10, United States Code;

(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with 2 or more sources pursuant to the same solicitation.

(3) The term “sole source task or delivery order” means any order that does not follow the competitive base procedures in paragraphs (b)(2) or (b)(3).

(e) APPLICABILITY.—The regulations required by subsection (a) shall apply to all individual purchases of property or services that are made under multiple award contracts on or after such effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.

## TITLE XLII—CURBING ABUSE-PRONE CONTRACTS

### SEC. 4201. REGULATIONS TO MINIMIZE THE INAPPROPRIATE USE OF COST-REIMBURSEMENT CONTRACTS.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to minimize the inappropriate use of cost-reimbursement contracts and to ensure the proper use of such contracts.

(b) CONTENT.—The regulations required under subsection (a) shall—

(1) identify, at a minimum—

(A) the circumstances under which cost reimbursement contracts or task or delivery orders are appropriate;

(B) the acquisition plan facts necessary to support a decision to use cost reimbursement contracts;

(C) the acquisition workforce resources necessary to award and manage cost reimbursement contracts; and

(2) establish a requirement for each executive agency to—

(A) annually assess its use of cost-reimbursement contracts;

(B) establish and implement metrics to measure progress toward minimizing any inappropriate use of cost-reimbursement contracts identified during the assessment process; and

(C) prepare and submit an annual report to the Office of Management and Budget assessing progress in meeting the metrics established in (B).

(c) COMPTROLLER GENERAL EVALUATIONS.—Within one year of the completion of the first annual reports required by subsection (b)(2)(C), the Comptroller General shall review the progress of agencies in implementing the regulations required by (a).

(d) REPORT.—Subject to subsection (f), the Director of the Office of Management and Budget shall submit an annual report to Congressional committees identified in subparagraph (e) and the Comptroller General on the use of cost-reimbursement contracts and task or delivery orders by all Federal agencies, including the Department of Defense. The report shall be submitted no later than March 1 and will cover the fiscal year ending September 30 of the prior year. The report shall include—

(1) the total number and value of contracts awarded and orders issued during the covered fiscal year;

(2) the number and value of cost-reimbursement contracts awarded and orders issued during the covered fiscal year;

(3) a list of contracts and task and delivery orders identified in subparagraph (2) exceeding ten million dollars (\$10,000,000), whose period of performance, including options, exceeded three years; the reasons why such contracts or orders could not be priced or converted to a fixed-price basis; and the actions being taken by the agency to do so;

(4) a certification by the contracting agency that for each contract identified in subparagraph (3) that an appropriate number of trained acquisition personnel, consistent with the complexity and risk associated with the contract or order, have

been assigned to provide oversight of the contractor's performance; and

(5) a description of each agency's actions to assure the appropriate use of cost-reimbursement contracts.

(e) CONGRESSIONAL COMMITTEES DEFINED.—The report required by subsection (d) shall be submitted to the Committee on Oversight and Government Reform of the House of Representatives; the Committee on Homeland Security and Governmental Affairs of the Senate; the Committees on Appropriations of the House of Representatives and the Senate; and, in the case of the Department of Defense and the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives.

(f) REQUIREMENTS LIMITED TO CERTAIN AGENCIES.—The requirements of subsections (b) and (d) shall apply only to those agencies that awarded contracts and issued orders in a total amount of at least \$1,000,000,000 in the fiscal year proceeding the fiscal year in which the assessments and reports are submitted.

**SEC. 4202. PREVENTING ABUSE OF INTERAGENCY CONTRACTS.**

(a) OFFICE OF MANAGEMENT AND BUDGET POLICY GUIDANCE.—

(1) REPORT AND GUIDELINES.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

(A) submit to Congress a comprehensive report on interagency acquisitions, including their frequency of use, management controls, cost-effectiveness, and savings generated; and

(B) issue guidelines to assist the heads of executive agencies in improving the management of interagency acquisitions.

(2) MATTERS COVERED BY GUIDELINES.—For purposes of paragraph (1)(B), the Director shall include guidelines on the following matters:

(A) Procedures for the use of interagency acquisitions to maximize competition, deliver best value to executive agencies, and minimize waste, fraud, and abuse.

(B) Categories of contracting inappropriate for interagency acquisition, due to high risk of waste, fraud, or abuse.

(C) Requirements for training acquisition workforce personnel in the proper use of interagency acquisitions.

(b) REGULATIONS REQUIRED.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require that all interagency acquisitions—

(1) include a written agreement between the requesting agency and the servicing agency assigning responsibility for the administration and management of the contract;

(2) include a determination that an interagency acquisition is the best procurement alternative; and

(3) include sufficient documentation to ensure an adequate audit.

(c) AGENCY REPORTING REQUIREMENT.—The senior procurement executive for each executive agency shall, as directed by the Director of the Office of Management and Budget, submit to the Director annual reports on the actions taken by the executive agency pursuant to the guidelines issued under subsection (a).

## (d) DEFINITIONS.—In this section:

(1) The term “executive agency” has the meaning given such term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(2) The term “head of executive agency” means the head of an executive agency except that, in the case of a military department, the term means the Secretary of Defense.

(3) The term “interagency acquisition” means a procedure by which an executive agency needing supplies or services (the requesting agency) obtains them from another executive agency (the servicing agency). The term includes acquisitions under section 1535 of title 31, United States Code (commonly referred to as the “Economy Act”, Federal Supply Schedules above \$500,000, and Governmentwide acquisition contracts.

**SEC. 4203. PROHIBITIONS ON THE USE OF LEAD SYSTEMS INTEGRATORS.**

(a) PROHIBITION ON NEW LEAD SYSTEMS INTEGRATORS.—(1) Effective October 1, 2010, the head of an executive agency may not award a new contract for lead systems integrator functions in the acquisition of a major system.

(2) PROHIBITION ON LEAD SYSTEMS INTEGRATORS BEYOND DEMONSTRATION LEVEL PHASE.—Effective on the date of the enactment of this Act, an executive agency may award a new contract for lead systems integrator functions in the acquisition of a major system only if—

(A) the contract for the major system does not proceed beyond the demonstration phase-level; or

(B) the head of the agency determines in writing that it would not be practicable to carry out acquisition without continuing to use a contractor to perform lead systems integrator functions and that doing so is in the best interest of the agency.

(3) REQUIREMENTS RELATING TO DETERMINATIONS.—A determination under paragraph (2)(A)—

(A) shall specify the reasons why it would not be practicable to carry out the acquisition continuing to use a contractor to perform lead integrator functions (including a discussion of alternatives, such as the use of the agency workforce, or a system engineering and technical assistance contractor);

(B) shall include a plan for phasing out the use of contracted lead systems integrator functions over the shortest period of time consistent with the interest of the government;

(C) may not be delegated below the level of the Chief Acquisition Officer; and

(D) shall be provided to the Committee on Oversight and Government Reform in the House of Representatives and the Committee on Homeland Security and Governmental Affairs in the Senate at least 45 days before the award of a contract pursuant to the determination.

## (b) ACQUISITION WORKFORCE.—

(1) REQUIREMENT.—The head of an executive agency shall ensure that the acquisition workforce is of the appropriate size and skill level necessary—

(A) to accomplish inherently governmental functions related to acquisition of major systems; and



- (B) to effectuate the purpose of subsection (a) to minimize and eventually eliminate the use of contractors to perform lead systems integrator functions.
- (2) **REPORT.**—The head of the agency shall annually include an update on the progress made in complying with paragraph (1) in the agency's Performance and Accountability Report.
- (c) **EXCEPTION FOR CONTRACTS FOR OTHER MANAGEMENT SERVICES.**—The head of an executive agency may continue to award contracts for the procurement of services the primary purpose of which is to perform acquisition support functions with respect to the development or production of a major system, if the following conditions are met with respect to each such contract:
- (1) The contract prohibits the contractor from performing inherently governmental functions.
  - (2) The head of the agency responsible for the development or production of the major system ensures that Federal employees are responsible for determining courses of action to be taken in the best interest of the government.
  - (3) The contract requires that the prime contractor for the contract may not advise or recommend the award of a contract or subcontract for the development or production of the major system to an entity owned in whole or in part by the prime contractor.
- (d) **DEFINITIONS.**—In this section:
- (1) **LEAD SYSTEMS INTEGRATOR.**—The term “lead systems integrator” means—
    - (A) a prime contractor for the development or production of a major system, if the prime contractor is not expected at the time of award to perform a substantial portion of the work on the system and the major subsystems; or
    - (B) a prime contractor under a contract for procurement of services the primary purpose of which to perform acquisition functions closely associated with inherently governmental functions with respect to the development or production of a major system.
  - (2) **MAJOR SYSTEM.**—The term “major system” has the meaning given such term in section 2302d of title 10, United States Code.
  - (3) **DEMONSTRATION PHASE LEVEL.**—For purposes of this section, the term “demonstration phase level” means—
    - (A) work performed prior to first article testing and approval (as defined in part 9.3 of the Federal Acquisition Regulation; or
    - (B) a level comparable to the level identified in subparagraph (A) which the FAR Council determines, by regulation, after consideration of the definition of low-rate initial production (as defined in section 2400 of title 10, United States Code.
- (e) **INAPPLICABILITY TO DEPARTMENT OF DEFENSE.**—This section does not apply to the Department of Defense.
- SEC. 4204. REGULATIONS ON EXCESSIVE PASS-THROUGH CHARGES.**
- (a) **REGULATIONS REQUIRED.**—
- (1) Not later than 180 days after the date of enactment of this Act, the Federal Acquisition Regulation shall be amended ensure that excessive pass-through charges on contracts or (or

task or delivery orders) are not paid by the Federal Government.

(2) SCOPE OF REGULATIONS.—The regulations prescribed under this subsection—

(A) shall not apply to any firm, fixed-price contract or subcontract (or task or delivery order) that is—

(i) awarded on the basis of adequate price competition; or

(ii) for the acquisition of a commercial item, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)); and

(B) may include such additional exceptions as the Federal Acquisition Regulation Council determines to be necessary in the interest of the government.

(3) DEFINITION.—In this section, the term “excessive pass-through charge” means a charge to the Government by the contractor or subcontractor that is for overhead or profit on work performed by a lower-tier contractor or subcontractor (other than charges for the direct costs of managing lower-tier contracts and subcontracts and overhead and profit based on such direct costs) and for which the contractor or subcontractor adds no, or negligible, value to a contract or subcontract.

(b) INAPPLICABILITY TO DEPARTMENT OF DEFENSE.—This section does not apply to the Department of Defense.

**SEC. 4205. LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.**

(a) GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.—Not later than 12 months after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to provide executive agencies with instructions, including definitions, on the appropriate use of award and incentive fees in Federal acquisition programs.

(b) ELEMENTS.—The regulations under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to acquisition outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be “excellent” or “superior” and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be “acceptable”, “average”, “expected”, “good”, or “satisfactory”;

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure consistent use of guidelines and definitions relating to award and incentive fees across the Federal Government;

(8) ensure that each executive agency—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis;

(9) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes; and

(10) provide mechanisms for sharing proven incentive strategies for the acquisition of different types of products and services among contracting and program management officials.

**SEC. 4206. MINIMIZING ABUSE OF COMMERCIAL SERVICES ITEM AUTHORITY.**

(a) **REGULATIONS REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended for the procurement of commercial services.

(b) **APPLICABILITY OF COMMERCIAL PROCEDURES.**—

(1) **SERVICES OF A TYPE SOLD IN MARKETPLACE.**—The regulations modified pursuant to subsection (a) shall ensure that services that are not offered and sold competitively in substantial quantities in the commercial marketplace, but are of a type offered and sold competitively in substantial quantities in the commercial marketplace, may be treated as commercial items for purposes of section 254b of title 41, United States Code (relating to truth in negotiations), only if the contracting officer determines in writing that the offeror has submitted sufficient information to evaluate, through price analysis, the reasonableness of the price for such services.

(2) **INFORMATION SUBMITTED.**—To the extent necessary to make a determination under paragraph (1), the contracting officer may request the offeror to submit—

(A) prices paid for the same or similar commercial items under comparable terms and conditions by both government and commercial customers; and

(B) if the contracting officer determines that the information described in subparagraph (A) is not sufficient to determine the reasonableness of price, other relevant information regarding the basis for price or cost, including information on labor costs, material costs, and overhead rates.

(c) **TIME-AND-MATERIALS CONTRACTS.**—

(1) **COMMERCIAL ITEM ACQUISITIONS.**—The regulations pursuant to subsection (a) shall ensure that procedures applicable to time-and-materials contracts and labor-hour contracts for commercial item acquisitions may be used only for the following:

(A) Services procured for support of a commercial item, as described in section 4(12)(E) of the Office Federal Procurement Policy Act (41 U.S.C. 403(12)(E)).

(B) Emergency repair services.

(C) Any other commercial services only to the extent that the head of the agency concerned approves a determination in writing by the contracting officer that—

(i) the services to be acquired are commercial services as defined in section 4(12)(F) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(F));

(ii) if the services to be acquired are subject to subsection (b), the offeror of the services has submitted sufficient information in accordance with that subsection;

(iii) such services are commonly sold to the general public through use of time-and-materials or labor-hour contracts; and

(iv) the use of a time-and-materials or labor-hour contract type is in the best interest of the Government.

(2) NON-COMMERCIAL ITEM ACQUISITIONS.—Nothing in this subsection shall be construed to preclude the use of procedures applicable to time-and-materials contracts and labor-hour contracts for non-commercial item acquisitions for the acquisition of any category of services.

## **TITLE XLIII—ACQUISITION WORKFORCE**

### **SEC. 4301. ACQUISITION WORKFORCE DEVELOPMENT FUND.**

(a) PURPOSE.—The purpose of this section is to ensure that there are resources available to recruit, hire, educate, train and retain members of the Federal acquisition workforce with the requisite competencies and skills to ensure that the government receives best value property and services in its acquisitions.

(b) ESTABLISHMENT OF FUND.—Title III of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 101, et seq.) is amended by adding at the end the following new section:

#### **“SEC. 324. ACQUISITION WORKFORCE DEVELOPMENT FUND.**

“(a) The Administrator of General Services shall establish an acquisition workforce development fund.

“(1) The Administrator shall manage the fund through the Federal Acquisition Institute to recruit, hire, educate, train and retain members of the acquisition workforce of the executive agencies other than the Department of Defense.

“(2) The Administrator, in consultation with the Administrator for Federal Procurement Policy and the Chief Acquisition Officers or Senior Procurement Executives, as appropriate, of the executive agencies, other than the Department of Defense, shall issue detailed guidance for the administration and use of the Fund. Such guidance shall include provisions—

“(A) requiring agencies to identify members of their acquisition workforce consistent with section 433(i) of title 41.

“(B) identifying areas of need in the acquisition workforce for which amounts in the Fund may be used, including—

“(i) changes to the types of skills needed;

“(ii) incentives to retain qualified, experienced personnel; and

“(iii) incentives for attracting new, high-quality personnel;

“(C) describing the manner and timing for applications for amounts in the Fund to be submitted;

“(D) describing the evaluation criteria to be used for approving or prioritizing applications for amounts in the Fund in any fiscal year; and

“(E) describing measurable objectives of performance for determining whether amounts in the Fund are being used in compliance with this section.

“(3) The Director of the Office of Management and Budget shall be the approving official for any disbursements from the Fund.

“(4) The costs of administering the fund, including the direct and indirect costs of those employees, not to exceed 5 percent per annum, shall be paid out of the fund.

“(5) Amounts in the fund may not be used to pay the base salary of any full-time equivalent position currently filled as of date of enactment of the Clean Contracting Act of 2008.

“(b) There shall be credited to the acquisition workforce development fund the following percentages of the value of funds expended by executive agencies for service contracts, other than services relating to research and development and services relating to construction:

“(1) for fiscal year 2009, 0.5 percent.

“(2) for fiscal year 2010, 1 percent.

“(3) for fiscal year 2011, 1.5 percent.

“(4) for any fiscal year after fiscal year 2011, 2 percent.

“(c) The Director of the Office and Management and Budget may reduce the amount to be credited upon a determination that the funds being credited are excess to the needs of the acquisition workforce development fund. In no event shall the Director of the Office of Management Budget reduce the percentage for any fiscal year below a percentage that results in the deposit in a fiscal year of an amount equal to the following

“(1) for fiscal year 2009, 75,000,000.

“(2) for fiscal year 2010, 100,000,000.

“(3) for fiscal year 2011, 125,000,000.

“(4) for an fiscal year after 2011, 150,000,000.

“(d) Not later than 30 days after the end of fiscal year 2008, and 30 days after the end of each fiscal year quarter thereafter, the head of each executive agency shall remit to the General Services Administration the amount required to be credited to the fund with respect to the contracts, leases, task and delivery order described in subsection (b).

“(e) The Administrator of General Services, through the Office of the Chief Acquisition Officer, shall ensure that funds collected under this section are not used for any purposes other than the purposes specified in subsection (a).

“(f) Amounts credited to the fund shall be in addition to funds requested and appropriated for salaries, benefits, education and training for all current acquisition workforce members.

“(g) Amounts credited to the fund shall remain available until expended.

“(h) Not later than 60 days after the end of each fiscal year beginning with fiscal year 2008, the Administrator of General Services shall submit to the congressional committees identified in subsection (i) a report on the operation of the fund during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

“(1) A statement of the amounts remitted to the Administrator for crediting to the Fund for such fiscal year by each executive agency and a statement of the amounts credited to the Fund.

“(2) A description of the expenditures made from the Fund, including the purpose of such expenditures.

“(3) A description and assessment of improvements in the Federal acquisition workforce resulting from such expenditures, including the extent to which the fund has been used to increase the number of individuals in the acquisition workforce relative to the number of individuals in the acquisition workforce as of the date of enactment.

“(4) Recommendations for additional authorities to fulfill the purpose of the Fund.

“(5) A statement of the balance remaining in the Fund at the end of such fiscal year.

“(i) The report required by subsection (h) shall be submitted to the Committee on Oversight and Government Reform of the House of Representatives; the Committee on Homeland Security and Governmental Affairs of the Senate; and the Committees on Appropriations of the House of Representatives and the Senate.

“(j) No expired balances appropriated prior to the date of the enactment of the Clean Contracting Act of 2008 may be used to make any payment to the Acquisition Workforce Development Fund.”.

(c) EXCEPTION.—This section and the amendments made by this section shall not apply to the acquisition workforce of the Department of Defense.

#### **SEC. 4302. CONTINGENCY CONTRACTING CORPS.**

The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.), as amended by section 102, is further amended by adding at the end the following new section:

#### **“SEC. 44. CONTINGENCY CONTRACTING CORPS.**

“(a) ESTABLISHMENT.—The Administrator of General Services in consultation with the Director of the Office of Management and Budget, the Secretary of Defense and the Secretary of Homeland Security, shall establish a Governmentwide Contingency Contracting Corps (in this section, referred to as the ‘Corps’). The members of the Corps shall be available for deployment in responding to an emergency or major disaster, or a contingency operation, within or outside the continental United States.

“(b) APPLICABILITY.—The authorities provided in this section apply with respect to any procurement of property or services by or for an executive agency that, as determined by the head of such executive agency, are to be used—

“(1) in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code; or

“(2) to respond to an emergency or major disaster as defined in section 5122 of title 41, United States Code.

“(c) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all Federal employees and uniformed members of the Armed Services, who are currently members of the Federal acquisition workforce. As a condition precedent to membership in the Corps, each volunteer will execute a mobility agreement consistent with the provisions included in sections 3371 through 3375 of title 5, United States Code.

“(d) EDUCATION AND TRAINING.—The Director of the Federal Acquisition Institute, in consultation with the Chief Acquisition Officers Council shall establish educational and training requirements for members of the Corps, and shall pay for these additional requirements from funds available in the acquisition workforce development fund or the Department of Defense Acquisition Workforce Development Fund.

“(e) CLOTHING AND EQUIPMENT.—The Administrator shall identify any necessary clothing and equipment requirements, and shall pay for this clothing and equipment from funds available in the acquisition workforce development fund or the Department of Defense Acquisition Workforce Development Fund.

“(f) SALARY.—The salaries for members of the Corps shall be paid by their parent agencies out of funds available.

“(g) AUTHORITY TO DEPLOY THE CORPS.—The Director of the Office of Management and Budget shall have the authority to determine when members of the Corps shall be deployed, in consultation with the head of the agency or agencies employing the members to be deployed.

“(h) ANNUAL REPORT.—

“(1) IN GENERAL.—The Administrator of General Services shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives an annual report on the status of the Contingency Contracting Corps as of September 30 of each fiscal year.

“(2) CONTENT.—At a minimum, each report under paragraph (1) shall include the number of members of the Contingency Contracting Corps, the total cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.”.

## **TITLE XLIV—ANTI-FRAUD PROVISIONS**

### **SEC. 4401. PROTECTION FOR CONTRACTOR EMPLOYEES FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.**

(a) INCREASED PROTECTION FROM REPRISAL.—Subsection (a) of section 315 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 265(a), is amended—

(1) by striking “disclosing to a Member of Congress” and inserting “disclosing to a Member of Congress, a representative of a committee of Congress, an Inspector General, the Government Accountability Office, an employee of an executive agency responsible for contract oversight or management,”; and

(2) by striking “information relating to a substantial violation of law related to a contract (including the competition for or negotiation of a contract)” and inserting “information that the employee reasonably believes is evidence of gross mismanagement of an executive agency contract or grant, a gross waste of executive agency funds, a substantial and specific danger to public health or safety, or a violation of law related to an executive agency contract (including the competition for or negotiation of a contract) or grant”.

(b) CLARIFICATION OF INSPECTOR GENERAL DETERMINATION.—Subsection (b) of such section is amended—

(1) by inserting “(1)” after “INVESTIGATION OF COMPLAINTS.—” and

(2) by adding at the end the following new paragraph:

“(2)(A) Except as provided under subparagraph (B), the Inspector General shall make a determination that a complaint is frivolous or submit a report under paragraph (1) within 180 days after receiving the complaint.

“(B) If the Inspector General is unable to complete an investigation in time to submit a report within the 180-day period specified in subparagraph (A) and the person submitting the complaint agrees to an extension of time, the Inspector General shall submit a report under paragraph (1) within such additional period of time as shall be agreed upon between the Inspector General and the person submitting the complaint.”.

(c) ACCELERATION OF SCHEDULE FOR DENYING RELIEF OR PROVIDING REMEDY.—Subsection (c) of such section is amended in paragraph (1), by striking “If the head of an executive agency determines that a contractor has subjected a person to a reprisal prohibited by subsection (a), the head of the agency may” and inserting after “(1)” the following: “Not later than 30 days after receiving an Inspector General report pursuant to subsection (b), the head of an executive agency concerned shall determine whether there is sufficient basis to conclude that the contractor concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall”.

(d) DEFINITIONS.—Subsection (e) of such section is amended in paragraph (2), by inserting “or a grant” after “a contract”.

#### **SEC. 4402. MANDATORY FRAUD REPORTING.**

(a) AMENDMENT OF FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007–006 (as published at 72 Fed Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

(b) COVERED CONTRACT DEFINED.—In this section, the term “covered contract” means any contract in an amount greater than \$5,000,000 and more than 120 days in duration.



**SEC. 4403. ACCESS OF GENERAL ACCOUNTING OFFICE TO CONTRACTOR EMPLOYEES.**

(a) **CIVILIAN AGENCIES.**—Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) is amended in subsection (c)(1) by inserting after “records” “, or interview any employee,”.

(b) **DEFENSE AGENCIES.**—Section 2313 of title 10, United States Code, is amended in subsection (c)(1) by inserting after “records” “, or interview any employee,”.

**SEC. 4404. PREVENTING CONFLICTS OF INTEREST.**

(a) **ORGANIZATIONAL CONFLICTS OF INTEREST.**—Not later than 12 months after the date of the enactment of this Act, the Administrator of the Office of Federal Procurement Policy shall review the Federal Acquisition Regulation to determine whether it contains sufficiently rigorous, comprehensive, and uniform Governmentwide policies to prevent and mitigate organizational conflicts of interest in Federal contracting. In reviewing such regulations, the Administrator and the Federal Acquisition Regulatory Council, in consultation with the Office of Government Ethics, shall, at a minimum, make appropriate revisions to the regulations to—

(1) establish a standard organizational conflict of interest clause, or a set of standard organizational conflict of interest clauses, for inclusion in solicitations and contracts that set forth the contractor’s responsibilities with respect to its employees, subcontractors, partners, and any other affiliated organizations or individuals;

(2) address conflicts that may arise in the context of developing requirements and statements of work, the selection process, and contract administration;

(3) ensure that adequate organizational conflict of interest safeguards are enacted in situations in which contractors are employed by the Federal Government to oversee other contractors or are hired to assist in the acquisition process; and

(4) ensure that any policies or clauses developed address conflicts of interest that may arise from financial interests, unfair competitive advantages, and impaired objectivity.

(b) **PERSONAL CONFLICTS OF INTEREST.**—Not later than 12 months after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to establish uniform, Governmentwide policies to prevent personal conflicts of interest by contractor employees in Federal contracting. In developing such regulations, the Federal Acquisition Regulatory Council, in consultation with the Office of Government Ethics, shall, at a minimum—

(1) develop a standard contractor employee personal conflicts of interest clause or a set of standard clauses for inclusion in solicitations and contracts that set forth the contractor’s responsibility to ensure that employees who are performing contracted services for the Federal Government are free of personal conflicts of interest;

(2) identify the contracting methods, types and services that raise heightened concerns for potential conflicts of interest; and

(3) establish specified principles, examples, a definition of personal conflicts of interest relevant to contractor employees working on Federal Government contracts, specific prohibi-

tions, and where applicable, greater disclosure for certain contractor employees, that will accomplish the end objective of ethical behavior.

(c) **BEST PRACTICES.**—The Administrator of the Office of Federal Procurement Policy, in consultation with the Office of Government-wide Ethics, shall develop and maintain a repository of best practices relating to the prevention and mitigation of organizational and personal conflicts of interest.

## **TITLE XLV—ENHANCED CONTRACT TRANSPARENCY**

### **SEC. 4501. DISCLOSURE OF CEO SALARIES.**

(a) **DISCLOSURE REQUIREMENTS.**—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109–282; 31 U.S.C. 6101 note) is amended—

- (1) by striking “and” at the end of subparagraph (E);
- (2) by redesignating subparagraph (F) as subparagraph (G);
- and
- (3) by inserting after subparagraph (E) the following new subparagraph:

“(F) the names and total compensation of the five most highly compensated officers of the entity if—

“(i) the entity in the preceding fiscal year received—

“(I) 80 percent or more of its annual gross revenues in Federal awards; and

“(II) \$25,000,000 or more in annual gross revenues from Federal awards; and

“(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.”.

(b) **REGULATIONS REQUIRED.**—The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this title. Such regulations shall include a definition of “total compensation” that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).

### **SEC. 4502. DATABASE FOR CONTRACTING OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.**

(a) **IN GENERAL.**—Subject to the authority, direction, and control of the Director of the Office of Management and Budget, the Administrator of General Services shall establish and maintain a database of information regarding integrity and performance of persons awarded Federal contracts and grants for use by Federal officials having authority over contracts and grants.

(b) **PERSONS COVERED.**—The database shall cover any person awarded a Federal contract or grant if any information described in subsection (c) exists with respect to such person.

(c) **INFORMATION INCLUDED.**—With respect to a person awarded a Federal contract or grant, the database shall include information

(in the form of a brief description) for at least the most recent 5-year period regarding—

(1) any civil or criminal proceeding, or any administrative proceeding to the extent that such proceeding results in both a finding of fault on the part of the person and the payment of restitution to a government of \$5,000 or more, concluded by the Federal Government or any State government against the person, and any amount paid by the person to the Federal Government or a State government;

(2) all Federal contracts and grants awarded to the person that were terminated in such period due to default;

(3) all Federal suspensions and debarments of the person in that period;

(4) all Federal administrative agreements entered into by the person and the Federal Government in that period to resolve a suspension or debarment proceeding and, to the maximum extent practicable, agreements involving a suspension or debarment proceeding entered into by the person and a State government in that period; and

(5) all final findings by a Federal official in that period that the person has been determined not to be a responsible source under either subparagraph (C) or (D) of section 4(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(7)).

(d) REQUIREMENTS RELATING TO INFORMATION IN DATABASE.—

(1) DIRECT INPUT AND UPDATE.—The Administrator shall design and maintain the database in a manner that allows the appropriate officials of each Federal agency to directly input and update in the database information relating to actions it has taken with regard to contractors or grant recipients.

(2) TIMELINESS AND ACCURACY.—The Administrator shall develop policies to require—

(A) the timely and accurate input of information into the database;

(B) notification of any covered person when information relevant to the person is entered into the database; and

(C) an opportunity for any covered person to append comments to information about such person in the database.

(e) AVAILABILITY.—

(1) AVAILABILITY TO ALL FEDERAL AGENCIES.—The Administrator shall make the database available to all Federal agencies.

(2) AVAILABILITY TO THE PUBLIC.—The Administrator shall make the database available to the public by posting the database on the General Services Administration website.

(3) LIMITATION.—This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.

**SEC. 4503. REVIEW OF DATABASE.**

(a) REQUIREMENT TO REVIEW DATABASE.—Prior to the award of a contract or grant, an official responsible for awarding a contract or grant shall review the database established under section 2.

(b) REQUIREMENT TO DOCUMENT PRESENT RESPONSIBILITY.—In the case of a prospective awardee of a contract or grant against which a judgment or conviction has been rendered more than once

within any 3-year period for the same or similar offences, if each judgment or conviction is a cause for debarment, the official responsible for awarding the contract or grant shall document why the prospective awardee is considered presently responsible.

**SEC. 4504. DISCLOSURE IN APPLICATIONS.**

(a) **REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, Federal regulations shall be amended to require that in applying for any Federal grant or submitting a proposal or bid for any Federal contract a person shall disclose in writing information described in section 2(c).

(b) **COVERED CONTRACTS AND GRANTS.**—This section shall apply only to contracts and grants in an amount greater than the simplified acquisition threshold, as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 401(11)).

**SEC. 4505. ROLE OF INTERAGENCY COMMITTEE.**

(a) **REQUIREMENT.**—The Interagency Committee on Debarment and Suspension shall—

(1) resolve issues regarding which of several Federal agencies is the lead agency having responsibility to initiate suspension or debarment proceedings;

(2) coordinate actions among interested agencies with respect to such action;

(3) encourage and assist Federal agencies in entering into cooperative efforts to pool resources and achieve operational efficiencies in the Governmentwide suspension and debarment system;

(4) recommend to the Office of Management and Budget changes to Government suspension and debarment system and its rules, if such recommendations are approved by a majority of the Interagency Committee;

(5) authorize the Office of Management and Budget to issue guidelines that implement those recommendations;

(6) authorize the chair of the Committee to establish subcommittees as appropriate to best enable the Interagency Committee to carry out its functions; and

(7) submit to the Congress an annual report on—

(A) the progress and efforts to improve the suspension and debarment system;

(B) member agencies' active participation in the committee's work; and

(C) a summary of each agency's activities and accomplishments in the Governmentwide debarment system.

(b) **DEFINITION.**—The term "Interagency Committee on Debarment and Suspension" means such committee constituted under sections 4 and 5 and of Executive Order 12549.

**SEC. 4506. AUTHORIZATION OF INDEPENDENT AGENCIES.**

Any agency, commission, or organization of the Federal Government to which Executive Order 12549 does not apply is authorized to participate in the Governmentwide suspension and debarment system and may recognize the suspension or debarment issued by an executive branch agency in its own procurement or assistance activities.

**SEC. 4507. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Administrator of General Services such funds as may be necessary to establish the database described in section 2.

**SEC. 4508. REPORT TO CONGRESS.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services shall submit to Congress a report.

(b) **CONTENTS OF REPORT.**—The report shall contain the following:

(1) A list of all databases that include information about Federal contracting and Federal grants.

(2) Recommendations for further legislation or administrative action that the Administrator considers appropriate to create a centralized, comprehensive Federal contracting and Federal grant database.

**SEC. 4509. IMPROVEMENTS TO THE FEDERAL PROCUREMENT DATA SYSTEM.**

(a) **ENHANCED TRANSPARENCY ON INTERAGENCY CONTRACTING AND OTHER TRANSACTIONS.**—Not later than 12 months after the date of the enactment of this Act, the Director of the Office of Management and Budget shall direct appropriate revisions to the Federal Procurement Data System or any successor system to facilitate the collection of complete, timely, and reliable data on interagency contracting actions and on transactions other than contracts, grants, and cooperative agreements issued pursuant to section 2371 of title 10, United States Code, or similar authorities. The Director shall ensure that data, consistent with what is collected for contract actions, is obtained on—

(1) interagency contracting actions, including data at the task or delivery-order level; and

(2) other transactions, including the initial award and any subsequent modifications awarded or orders issued.

(b) **AMENDMENT.**—Subsection (d) of section 19 of the Office of Federal Procurement Policy Act (41 U.S.C. 417(d)) is amended to read as follows:

“(d) **TRANSMISSION AND DATA ENTRY OF INFORMATION.**—The head of each executive agency shall ensure the accuracy of the information included in the record established and maintained by such agency under subsection (a) and shall timely transmit such information to the General Services Administration for entry into the Federal Procurement Data System referred to in section 6(d)(4), or any successor system.”.

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**16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LAHOOD OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES**

At the end of title V, add the following new section:

**SEC. 5. LIMITATION ON SIMULTANEOUS DEPLOYMENT TO COMBAT ZONES OF DUAL-MILITARY COUPLES WHO HAVE MINOR DEPENDENTS.**

(a) **AUTHORITY TO OBTAIN DEFERMENT.**—In the case of a member of the Armed Forces with minor dependents who has a spouse who is also a member of the Armed Forces, and the spouse is deployed

in an area for which imminent danger pay is authorized under section 310 of title 37, United States Code, the member may request a deferment of a deployment to such an area until the spouse returns from such deployment.

(b) **REPEAL OF LIMITED AUTHORITY.**—Section 586 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 11–181; 112 Stat. 132; 10 U.S.C. 991 note) is amended by striking the second sentence.

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17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WOOLSEY OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 5 MINUTES

At the end of subtitle E of title XXVIII add the following new section:

**SEC. 28 \_\_\_\_ . TRANSFER OF ADMINISTRATIVE JURISDICTION, DECOMMISSIONED NAVAL SECURITY GROUP ACTIVITY, SKAGGS ISLAND, CALIFORNIA.**

(a) **TRANSFER MEMORANDUM OF AGREEMENT.**—The Secretary of the Navy and the Secretary of the Interior shall negotiate a memorandum of agreement that stipulates the conditions upon which the decommissioned Naval Security Group Activity, Skaggs Island, Sonoma, California shall be transferred from the administrative jurisdiction of the Department of the Navy to the United States Fish and Wildlife Service for inclusion in the National Wildlife Refuge System.

(b) **ACCEPTANCE OF DONATIONS; USE.**—The Secretary of the Navy and the Secretary of the Interior may accept contributions from the State of California and other entities to help cover the costs of demolishing and removing structures on the property described in subsection (a) and to facilitate future environmental restoration that furthers the ultimate end use of the property for conservation purposes. Amounts received may be merged with other amounts available to the Secretaries to carry out this section and shall remain available, without further appropriation and until expended.

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18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BERMAN OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 1602, add at the end the following new paragraph:

(5) The President’s Fiscal Year 2009 Budget Request to Congress includes \$248.6 million for a Civilian Stabilization Initiative that would vastly improve civilian partnership with United States Armed Forces in post-conflict stabilization situations, including by establishing a Active Response Corps of 250 persons, a Standby Response Corps of 2,000 persons, and a Civilian Response Corps of 2,000 persons.

In section 1604, in the proposed new section 618 to the Foreign Assistance Act of 1961, in the proposed new subsection (b) of such proposed new section, strike “2008, 2009, and 2010” and insert “2009, 2010, and 2011”.

In section 1604, in the proposed new section 618 to the Foreign Assistance Act of 1961, in the proposed new subsection (b) of such proposed new section, strike “\$100,000,000” and insert “\$200,000,000”.

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19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PORTER OF NEVADA, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES

Page 283, after line 3, add the following new section:

**SEC. 734. SUICIDE RISK BY MILITARY OCCUPATION.**

(a) STUDY.—The Secretary of Defense shall conduct a study to identify the mental health risks associated with the performance of military duties.

(b) ELEMENTS.—The study shall include the following elements:

(1) An assessment of suicide incidence by military occupation.

(2) An identification of military occupations with a high incidence of suicide.

(3) An evaluation of current suicide prevention programs for those military occupations with a high incidence of suicide.

(4) An assessment of the need for additional suicide prevention programs specific to military occupations with a high incidence of suicide.

(c) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Congressional Defense Committees a report on the findings of the study. The report shall include any recommendations for improving suicide prevention programs for military occupations with a high incidence of suicide.

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20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CAPITO OF WEST VIRGINIA, OR HER DESIGNEE, DEBATABLE FOR 5 MINUTES

At the end of title V, add the following new section:

**SEC. 5. ADDITIONAL FUNDS TO CARRY OUT FUNERAL HONOR FUNCTIONS AT FUNERALS FOR VETERANS.**

(a) ADDITIONAL FUNDS.—The amount made available in section 421 is hereby increased by \$3,000,000, of which \$1,000,000 shall be available to the Secretary of the Army, \$1,000,000 shall be available to the Secretary of the Navy, and \$1,000,000 shall be available to the Secretary of the Air Force to comply with the requirements of section 1491 of title 10, United States Code.

(b) CORRESPONDING OFFSET.—The amount provided in section 201(1) for research, development, test, and evaluation, Army, is hereby reduced by \$3,000,000, to be derived from the basic research under the University Research Initiatives.

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21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COOPER OF TENNESSEE, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES

Page 353, after line 11, insert the following:

**SEC. 849. REQUIREMENT FOR DEPARTMENT OF DEFENSE TO ADOPT AN ACQUISITION STRATEGY FOR DEFENSE BASE ACT INSURANCE.**

(a) IN GENERAL.—The Secretary of Defense shall adopt an acquisition strategy for insurance required by the Defense Base Act (42 U.S.C. 1651 et seq.) which minimizes the cost of such insurance to the Department of Defense.

(b) **CRITERIA.**—The Secretary shall ensure that the acquisition strategy adopted pursuant to subsection (a) addresses the following criteria:

(1) Minimize overhead costs associated with obtaining such insurance, such as direct or indirect costs for contract management and contract administration.

(2) Minimize costs for coverage of such insurance consistent with realistic assumptions regarding the likelihood of incurred claims by contractors of the Department.

(3) Provide for a correlation of premiums paid in relation to claims incurred that is modeled on best practices in government and industry for similar kinds of insurance.

(4) Provide for a low level of risk to the Department.

(5) Provide for a competitive marketplace for insurance required by the Defense Base Act to the maximum extent practicable.

(c) **OPTIONS.**—In adopting the acquisition strategy pursuant to subsection (a), the Secretary shall consider the following options:

(1) Entering into a single Defense Base Act insurance contract for the Department of Defense.

(2) Entering into a single Defense Base Act insurance contract for contracts involving performance in theaters of combat operations.

(3) Entering into a contract vehicle, such as a multiple award contract, that provides for competition among contractors for categories of insurance coverage, such as construction, aviation, security, and other categories of insurance.

(4) Using a retrospective rating approach to Defense Base Act insurance that adjusts rates according to actual claims incurred on a cost reimbursement basis.

(5) Adopting a self-insurance approach to Defense Base Act insurance for Department of Defense contracts.

(6) Such other options as the Secretary deems to best satisfy the criteria identified under subsection (b).

(d) **REPORT.**—(1) Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a report on the acquisition strategy adopted pursuant to subsection (a).

(2) The report shall include a discussion of each of the options considered pursuant to subsection (c) and the extent to which each option addresses the criteria identified under subsection (b), and shall include a plan to implement within 18 months after the date of enactment of this Act the acquisition strategy adopted by the Secretary.

(e) **REVIEW OF ACQUISITION STRATEGY.**—As considered appropriate by the Secretary, but not less often than once every 3 years, the Secretary shall review and, as necessary, update the acquisition strategy adopted pursuant to subsection (a) to ensure that it best addresses the criteria identified under subsection (b).



22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE OF ARIZONA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end of title XXII the following new section:

**SEC. 2208. PROHIBITING USE OF FUNDS FOR LIBRARY/LIFELONG LEARNING CENTER.**

None of the funds appropriated to carry out this Act (or any amendment made by this Act) may be used for a library/lifelong learning center at Marine Corps Base Twentynine Palms, California.

23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TIERNEY OF MASSACHUSETTS, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of subtitle C of title II, add the following new section:

**SEC. 2 . MISSILE DEFENSE FUNDING REDUCTIONS TO PROVIDE ADDITIONAL FUNDS FOR ACTIVITIES TO COUNTER WEAPONS OF MASS DESTRUCTION AND TERRORISM.**

(a) MISSILE DEFENSE FUNDING REDUCTIONS.—The amount in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby reduced by \$996,200,000, to be derived from amounts for the Missile Defense agency as follows:

- (1) \$100,000,000 reduction from the Airborne Laser program.
- (2) \$100,000,000 reduction from the Kinetic Energy Interceptor (KEI) program.
- (3) \$100,000,000 reduction from the Multiple Kill Vehicle (MKV) program.
- (4) \$341,200,000 from the termination of any funding for the proposed long-range missile defense sites in Europe.
- (5) \$355,000,000 from the termination of any further deployment in the Ground-Based Midcourse Defense program, with this reduction not interfering with development or testing activities under the program.

(b) ADDITIONAL FUNDS TO COUNTER WEAPONS OF MASS DESTRUCTION AND TERRORISM.—

(1) COOPERATIVE THREAT REDUCTION PROGRAM.—The amount provided in section 1302(a) for the Cooperative Threat Reduction is hereby increased by \$75,000,000.

(2) NONPROLIFERATION AND WEAPONS OF MASS DESTRUCTION PROGRAMS.—The amount provided in section 3101(a)(2) for nonproliferation and weapons of mass destruction programs of the Department of Energy is hereby increased by \$529,000,000, which shall be available as follows:

- (A) \$50,000,000 for Global Threat Reduction Initiative.
- (B) \$30,000,000 for International Nuclear Materials Protection and Cooperation program.
- (C) \$60,000,000 for Second Line of Defense program to cooperate with other countries to deter, detect, and interdict illicit transfers of nuclear and radioactive materials at border crossings and ports.
- (D) \$15,000,000 for NNSA's export control assistance program for the purpose of developing a plan for making sure all countries fulfill their UNSC 1540 obligation to put effective controls in place.

(E) \$50,000,000 increase of conditional appropriation to encourage Russia to blend down additional HEU, to finance such incentives if an agreement is reached that requires such funding.

(F) \$50,000,000 for safeguards work at the Department of Energy National Laboratories.

(G) \$100,000,000 increase for non-proliferation research and development, such as treaty monitoring and verification.

(H) \$10,000,000 for completing the experimental study on analyzing the impacts of sabotage of spent-fuel transportation in the United States.

(I) \$50,000,000 for accelerated or further dismantlement of nuclear weapons (and removal of pits from nuclear weapons).

(J) \$41,000,000 for chemical weapons destruction at the Bluegrass facility in Kentucky.

(K) \$73,000,000 for chemical weapons destruction at the Pueblo facility in Colorado.

(c) **ADDITIONAL SUPPORT FOR WOUNDED WARRIORS AND THEIR FAMILIES.—**

(1) **IMPACT AID.**—The amount provided in section 571 is hereby increased by \$30,000,000 to increase funding for impact aid to help local educational agencies provide support to students who are dependents of members of the Armed Forces.

(2) **FAMILY SUPPORT FOR WOUNDED WARRIORS.**—Amounts provided for family support of wounded members of the Armed Forces is hereby increased by \$30,000,000.

(3) **SUICIDE PREVENTION.**—Amounts available for programs to prevent suicides by members of the Armed Forces is hereby increased by \$30,000,000.

(4) **WOUNDED WARRIORS AS HEALTHCARE PROVIDERS.**—An amount equal to \$10,000,000 is authorized to be appropriated for a pilot program to identify and retrain wounded members as military health professionals who would then treat and care for other wounded members.

(d) **NATIONAL GUARD AND RESERVE SHORTFALLS.**—The balance of amounts reduced under subsection (a), after application of subsections (b) and (c) shall be available to increase amounts available for the National Guard and Reserve to fund identified shortfalls, especially in connection with homeland security activities.

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24. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PRICE OF GEORGIA, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES**

Page 406, after line 18, insert the following new section:

**SEC. 1005. MANAGEMENT OF PURCHASE CARDS.**

(a) **REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.**—Section 2784 of title 10, United States Code, is amended in subsection (b)—

(1) by redesignating paragraphs (3) through (10) as paragraphs (4) through (11), respectively;

(2) by inserting after paragraph (2) the following new paragraph:

“(3) That expenditures charged to the purchase card are independently received, accepted, or verified by an official with authority to authorize expenditures.”;

(3) by redesignating paragraphs (9) through paragraph (11) (as previously redesignated by paragraph (1)) as paragraphs (10) through (12), respectively; and

(4) by inserting after paragraph (8) (as previously redesignated by paragraph (1)) the following new paragraph:

“(9) That appropriate inventory and property systems are updated promptly in response to expenditures charged to a purchase card related to pilferable property.”.

(b) **PENALTIES FOR VIOLATIONS.**—Section 2784(c)(1) of title 10, United States Code, is amended by striking “provide for” and inserting “provide for the reimbursement of charges for unauthorized or erroneous purchases and for”.

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25. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PRICE OF NORTH CAROLINA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end of title X, the following:

**SEC. 10 . PROHIBITION ON INTERROGATION OF DETAINEES BY CONTRACTOR PERSONNEL.**

Effective as of the date that is one year after the date of the enactment of this Act, the Department of Defense manpower mix criteria and the Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to provide that—

(1) the interrogation of enemy prisoners of war, civilian internees, retained persons, other detainees, terrorists, and criminals when captured, transferred, confined, or detained during or in the aftermath of hostilities is an inherently governmental function and cannot be transferred to private sector contractors who are beyond the reach of controls otherwise applicable to government personnel; and

(2) properly trained and cleared contractors may be used as linguists, interpreters, report writers, and information technology technicians if their work is properly reviewed by appropriate government officials.

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26. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LEE OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of subtitle B of title XII of the bill, add the following new section:

**SEC. 12xx. LIMITATION ON CERTAIN STATUS OF FORCES AGREEMENTS BETWEEN THE UNITED STATES AND IRAQ.**

No provision of any agreement between the United States and Iraq described in section 1212 (a)(1)(A)(iv) shall be in force with respect to the United States unless the agreement—

(1) is in the form of a treaty requiring the advice and consent of the Senate (or is intended to take that form in the case of an agreement under negotiation); or

(2) is specifically authorized by an Act of Congress enacted after the date of the enactment of this Act.

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27. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOSSELAL OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES

At the end of subtitle F of title VI, insert the following new section:

**SEC. 664. POSTAL BENEFITS PROGRAM FOR MEMBERS OF THE ARMED FORCES SERVING IN IRAQ OR AFGHANISTAN.**

(a) **AVAILABILITY OF POSTAL BENEFITS.**—The Secretary of Defense, in consultation with the United States Postal Service, shall provide for a program under which postal benefits are provided to qualified individuals in accordance with this section.

(b) **QUALIFIED INDIVIDUAL.**—In this section, the term “qualified individual” means a member of the Armed Forces on active duty (as defined in section 101 of title 10, United States Code) who—

(1) is serving in Iraq or Afghanistan; or

(2) is hospitalized at a facility under the jurisdiction of the Department of Defense as a result of a disease or injury incurred as a result of service in Iraq or Afghanistan.

(c) **POSTAL BENEFITS DESCRIBED.**—

(1) **VOUCHERS.**—The postal benefits provided under the program shall consist of such coupons or other similar evidence of credit, whether in printed, electronic, or other format (in this section referred to as a “voucher”), as the Secretary of Defense, in consultation with the Postal Service, shall determine, which entitle the bearer or user to make qualified mailings free of postage.

(2) **QUALIFIED MAILING.**—In this section, the term “qualified mailing” means the mailing of a single mail piece which—

(A) is first-class mail (including any sound- or video-recorded communication) not exceeding 13 ounces in weight and having the character of personal correspondence or parcel post not exceeding 10 pounds in weight;

(B) is sent from within an area served by a United States post office; and

(C) is addressed to a qualified individual.

(3) **COORDINATION RULE.**—Postal benefits under the program are in addition to, and not in lieu of, any reduced rates of postage or other similar benefits which might otherwise be available by or under law, including any rates of postage resulting from the application of section 3401(b) of title 39, United States Code.

(d) **NUMBER OF VOUCHERS.**—A member of the Armed Forces shall be eligible for one voucher for every second month in which the member is a qualified individual.

(e) **LIMITATIONS ON USE; DURATION.**—A voucher may not be used—

(1) for more than a single qualified mailing; or

(2) after the earlier of—

(A) the expiration date of the voucher, as designated by the Secretary of Defense; or

(B) the end of the one-year period beginning on the date on which the regulations prescribed under subsection (f) take effect.

(f) **REGULATIONS.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense (in consultation

with the Postal Service) shall prescribe such regulations as may be necessary to carry out the program, including—

(1) procedures by which vouchers will be provided or made available in timely manner to qualified individuals; and

(2) procedures to ensure that the number of vouchers provided or made available with respect to any qualified individual complies with subsection (d).

(g) TRANSFERS TO POSTAL SERVICE.—

(1) BASED ON ESTIMATES.—The Secretary of Defense shall transfer to the Postal Service, out of amounts available to carry out the program and in advance of each calendar quarter during which postal benefits may be used under the program, an amount equal to the amount of postal benefits that the Secretary estimates will be used during such quarter, reduced or increased (as the case may be) by any amounts by which the Secretary finds that a determination under this section for a prior quarter was greater than or less than the amount finally determined for such quarter.

(2) BASED ON FINAL DETERMINATION.—A final determination of the amount necessary to correct any previous determination under this section, and any transfer of amounts between the Postal Service and the Department of Defense based on that final determination, shall be made not later than six months after the end of the one-year period referred to in subsection (e)(2)(B).

(3) CONSULTATION REQUIRED.—All estimates and determinations under this subsection of the amount of postal benefits under the program used in any period shall be made by the Secretary of Defense in consultation with the Postal Service.

(h) FUNDING.—

(1) INCREASE.—The amount authorized to be appropriated by section 421 for military personnel is hereby increased by \$10,000,000, and such amount shall be available for postal benefits provided in this section.

(2) OFFSETTING REDUCTION.—Funds authorized to be appropriated in fiscal year 2009 for Military Personnel are reduced by \$10,000,000.

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28. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE INSLEE OF WASHINGTON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end of subtitle D of title III the following:

**SEC. 335. STUDY OF CONSIDERATION OF GREENHOUSE GAS EMISSIONS IN ACQUISITION PROCESSES.**

(a) STUDY.—The Secretary of Defense shall conduct a study to develop procedures and methods to measure and consider greenhouse gas emissions in the acquisition process, and shall include in the study an examination of the following:

(1) The processes and methods which would need to be developed and adopted to allow the Department of Defense to consider greenhouse gas emissions in the planning, requirements development, and acquisition processes.

(2) The internal and external data necessary to allow the Department of Defense to consider greenhouse gas emissions in

the planning, requirements development, and acquisition processes.

(3) A timetable for the implementation of such procedures and methods in the acquisition process, as well as an estimate of the costs associated with such implementation.

(4) Such other factors as the Secretary considers appropriate with respect to the development and implementation of such procedures and methods.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Congressional defense committees a report on the results of the study conducted under subsection (a).

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29. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE INSLEE OF WASHINGTON, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES

At the end of title X, add the following new section:

**SEC. 1071. STUDY AND REPORT ON USE OF POWER MANAGEMENT SOFTWARE.**

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of power management software by civilian and military personnel and facilities of the Department of Defense to reduce the use of electricity in computer monitors and personal computers. This study shall include recommendations for baseline electric power use, for ensuring robust monitoring and verification of power use requirements on a continuing basis, and for potential technological solutions or best practices for achieving these efficiency objectives.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), including a description of the recommendations developed under the study.

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30. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROWN-WAITE OF FLORIDA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end of subtitle G of title V, the following new section:

**SEC. 5 \_\_. RETROACTIVE AWARD OF ARMY COMBAT ACTION BADGE.**

(a) AUTHORITY TO AWARD.—The Secretary of the Army may award the Army Combat Action Badge (established by order of the Secretary of the Army through Headquarters, Department of the Army Letter 600–05–1, dated June 3, 2005) to a person who, while a member of the Army, participated in combat during which the person personally engaged, or was personally engaged by, the enemy at any time during the period beginning on December 7, 1941, and ending on September 18, 2001 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the person has not been previously recognized in an appropriate manner for such participation.

(b) PROCUREMENT OF BADGE.—The Secretary of the Army may make arrangements with suppliers of the Army Combat Action Badge so that eligible recipients of the Army Combat Action Badge pursuant to subsection (a) may procure the badge directly from

suppliers, thereby eliminating or at least substantially reducing administrative costs for the Army to carry out this section.

31. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCGOVERN OF MASSACHUSETTS, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of subtitle G of title X of the bill, add the following new section:

**SEC. 10xx. PUBLIC DISCLOSURE OF NAMES OF STUDENTS AND INSTRUCTORS AT WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.**

Section 2166 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(j) PUBLIC DISCLOSURE OF STUDENTS AND INSTRUCTORS.—(1) The Secretary of Defense shall release to the public, upon request, the information described in paragraph (2) for each of fiscal years 2005, 2006, 2007, and 2008, and any fiscal year thereafter.

“(2) The information to be released under paragraph (1) shall include the following with respect to the fiscal year covered:

“(A) The entire name, including the first, middle, and maternal and paternal surnames, with respect to each student and instructor at the Institute.

“(B) The rank of each student and instructor.

“(C) The country of origin of each student and instructor.

“(D) The courses taken by each student.

“(E) The courses taught by each instructor.

“(F) Any years of attendance by each student in addition to the fiscal year covered.”.

32. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLT OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end of title X, the following:

**SEC. 10 \_\_\_\_ . REQUIREMENT FOR VIDEOTAPING OR OTHERWISE ELECTRONICALLY RECORDING STRATEGIC INTELLIGENCE INTERROGATIONS OF PERSONS IN THE CUSTODY OF OR UNDER THE EFFECTIVE CONTROL OF THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—In accordance with the Army Field Manual on Human Intelligence Collector Operations (FM 2-22.3, September 2006), or any successor thereto, and the guidelines developed pursuant to subsection (e), the Secretary of Defense shall take such actions as are necessary to ensure the videotaping or otherwise electronically recording of each strategic intelligence interrogation of any person who is in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility.

(b) CLASSIFICATION OF INFORMATION.—To protect United States national security, the safety of the individuals conducting or assisting in the conduct of a strategic intelligence interrogation, and the privacy of persons described in subsection (a), the Secretary of Defense shall provide for the appropriate classification of video tapes or other electronic recordings made pursuant to subsection (a). The use of such classified video tapes or other electronic recordings in

proceedings conducted under the Detainee Treatment Act of 2005 (title 14 of Public Law 109–163 and title 10 of Public Law 109–148), the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109–366), or any other provision of law shall be governed by applicable rules, regulations, and law.

(c) STRATEGIC INTELLIGENCE INTERROGATION DEFINED.—For purposes of this section, the term “strategic intelligence interrogation” means an interrogation of a person described in subsection (a) conducted at a theater-level detention facility.

(d) EXCLUSION.—Nothing in this section shall be construed as requiring—

(1) any member of the Armed Forces engaged in direct combat operations to videotape or otherwise electronically record a person described in subsection (a); or

(2) the videotaping or other electronic recording of tactical questioning, as such term is defined in the Army Field Manual on Human Intelligence Collector Operations (FM 2–22.3, September 2006), or any successor thereto.

(e) GUIDELINES FOR VIDEOTAPE AND OTHER ELECTRONIC RECORDINGS.—

(1) DEVELOPMENT OF GUIDELINES.—The Secretary of Defense, acting through the Judge Advocates General (as defined in section 801(1) of title 10, United States Code, (Article 1 of the Uniform Code of Military Justice)), shall develop and adopt uniform guidelines designed to ensure that the videotaping or other electronic recording required under subsection (a), at a minimum—

(A) promotes full compliance with the laws of the United States;

(B) is maintained for a length of time that serves the interests of justice in cases for which trials are being or may be conducted pursuant to the Detainee Treatment Act of 2005 (title 14 of Public Law 109–163 and title 10 of Public Law 109–148), the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109–366), or any other provision of law;

(C) promotes the exploitation of intelligence; and

(D) ensures the safety of all participants in the interrogations.

(2) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date of the enactment of this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the guidelines developed under paragraph (1). Such report shall be in an unclassified form but may include a classified annex.

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### 33. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PEARCE OF NEW MEXICO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XXXI, insert the following:

#### SEC. 31\_\_\_\_. INCREASED FUNDING FOR RELIABLE REPLACEMENT WARHEAD PROGRAM.

(a) INCREASE.—The amount in section 3101 for weapons activities, National Nuclear Security Administration, is hereby increased



by \$10,000,000, to be available for the Reliable Replacement Warhead program.

(b) OFFSET.—The amount in section 2402 is hereby reduced by \$10,000,000, to be derived from energy conservation on military installations.

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34. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCDERMOTT OF WASHINGTON, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES

At the end of title VII, add the following new section:

**SEC. 7 \_\_\_\_ . REPORT ON IMPLEMENTATION OF RECOMMENDATIONS CONTAINED IN REPORT ON HEALTH EFFECTS OF EXPOSURE TO DEPLETED URANIUM.**

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the measures underway to implement the recommendations contained in the report entitled “Review of the Toxicologic and Radiologic Risks to Military Personnel from Exposure to Depleted Uranium During and After Combat”, which was conducted pursuant to section 716 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2391).

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35. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KING OF IOWA, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES

Page 401, after line 14, insert the following new section:

**SEC. 947. REPORT ON NATIONAL GUARD RESOURCE REQUIREMENTS.**

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Chief of the National Guard Bureau shall submit to the Secretary of Defense a report—

(1) detailing the extent to which the various provisions in title XVIII of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) have been effective in giving the National Guard a clearer voice in policy and budgetary discussions in the Department of Defense; and

(2) assessing the adequacy of Department of Defense funding for the resource requirements of the National Guard.”

(b) REPORT TO CONGRESS.—Not later than 30 days after the Secretary of Defense receives the report under subsection (a), the Secretary shall submit to Congress such report, along with any explanatory comments the Secretary considers necessary.

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36. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MATSUI OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 5 MINUTES

At the end of subtitle E of title V, add the following new section:

**SEC. 5 \_\_\_\_ . CORRECTION OF ERRONEOUS ARMY COLLEGE FUND BENEFIT AMOUNTS.**

(a) CORRECTION AND PAYMENT AUTHORITY.—During the period beginning on January 1, 2009, and ending on June 30, 2009, the Secretary of the Army may—

(1) consider, through the Army Board for the Correction of Military Records, a request for the correction of military records relating to the amount of the Army College Fund benefit to which a member or former member of the Armed Forces may be entitled under an Army Incentive Program contract; and

(2) pay such amounts as the Secretary considers necessary to ensure fairness and equity with regard to the request if the Secretary determines that the correction of the records is appropriate.

(b) EXCEPTION TO PAYMENT LIMITS.—A payment under subsection (a)(2) may be made without regard to any limits on the total combined amounts established for the Army College Fund and the Montgomery G.I. Bill.

(c) FUNDING SOURCE.—Payments under subsection (a)(2) shall be made solely from funds appropriated for military personnel programs for fiscal year 2009.

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37. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DEFazio OF OREGON, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES

At the end of title VIII, add the following new section:

**SEC. 849. MOTOR CARRIER FUEL SURCHARGES.**

(a) PASS THROUGH AND DISCLOSURE.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2652. Motor carrier fuel surcharges**

“(a) PASS THROUGH TO COST BEARER.—In all carriage contracts in which a fuel-related adjustment is provided for, the Secretary of Defense shall require that a motor carrier, broker, or freight forwarder providing or arranging truck transportation or service using fuel for which it does not bear the cost pay to the person who bears the cost of such fuel the amount of all charges that relate to the cost of fuel that were invoiced or otherwise presented to the person responsible directly to the motor carrier, broker, or freight forwarder for payment for the transportation or service.

“(b) DISCLOSURE.—The Secretary shall require in a contract described in subsection (a) that a motor carrier, broker, or freight forwarder providing or arranging transportation or service using fuel not paid for by it disclose any fuel-related adjustment by making the amount of the adjustment publicly available, including on the Internet.

“(c) REGULATIONS.—The Secretary shall prescribe regulations to ensure contracts described in subsection (a) include measures necessary to ensure enforcement of this section.”.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following: new item:

“2652. Motor carrier fuel surcharges.”.

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38. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TURNER  
OF OHIO, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES

Page 481, after line 13, insert the following:

**SEC. 1110. STATUS REPORTS RELATING TO LABORATORY PERSONNEL  
DEMONSTRATION PROJECTS.**

Section 1107 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 357) is amended by adding at the end the following:

“(e) STATUS REPORTS.—

“(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act and not later than March 1 of each year beginning after the date on which the first report under this subsection is submitted, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report providing, with respect to the year before the year in which such report is submitted, the information described in paragraph (2).

“(2) INFORMATION REQUIRED.—Each report under this subsection shall describe the following:

“(A) The actions taken by the Secretary of Defense under subsection (a) during the year covered by the report.

“(B) The progress made by the Secretary of Defense during such year in developing and implementing the plan required by subsection (b), including the anticipated date for completion of such plan and a list and description of any issues relating to the development or implementation of such plan.

“(C) With respect to any applications by laboratories seeking to be designated as a demonstration laboratory or to otherwise obtain any of the personnel flexibilities available to a demonstration laboratory—

“(i) the number of applications that were received, pending, or acted on during such year;

“(ii) the status or disposition of any applications under clause (i), including, in the case of any application on which a final decision was rendered, the laboratory involved, what the laboratory had requested, the decision reached, and the reasons for the decision; and

“(iii) in the case of any applications under clause (i) on which a final decision was not rendered, the date by which a final decision is anticipated.

“(3) DEFINITION.—For purposes of this subsection, the term ‘demonstration laboratory’ means a laboratory designated by the Secretary of Defense under the provisions of section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (as cited in subsection (a)) as a Department of Defense science and technology reinvention laboratory.”.

39. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STUPAK  
OF MICHIGAN, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES

Add at the end of subtitle D of title VI, the following new section:

**SEC. 6 \_\_\_\_ . ELIGIBILITY FOR DISABILITY RETIRED PAY AND SEPARATION PAY OF CERTAIN FORMER CADETS AND MIDSHIPMEN WITH PRIOR ENLISTED SERVICE.**

Section 1217(a) of title 10, United States Code, is amended by striking “incurred after October 28, 2004.” and inserting “incurred—

“(1) after October 28, 2004; or

“(2) after January 1, 2000, in the case of a cadet or midshipman who was discharged from an enlisted grade in order to accept an appointment as a cadet or midshipman.”.

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**40. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DELAURO OF CONNECTICUT, OR HER DESIGNEE, DEBATABLE FOR 5 MINUTES**

At the end of subtitle C of title VII, add the following new section:

**SEC. 726. POST-DEPLOYMENT MENTAL HEALTH SCREENING DEMONSTRATION PROJECT.**

(a) **DEMONSTRATION PROJECT REQUIRED.**—The Secretary of Defense shall conduct a demonstration project to assess the feasibility and efficacy of providing a face to face post-deployment mental health screening between a member of the Armed Forces and a mental health provider.

(b) **ELEMENTS.**—The demonstration project shall include, at a minimum, the following elements:

(1) A combat stress evaluation conducted in person by a qualified mental health professional within 120 to 180 days after the date on which the member returns from combat theater.

(2) Phone follow-ups by a case manager, not necessarily stationed at the military installation, at the following intervals after the initial post-deployment screening:

- (A) Six months.
- (B) 12 months.
- (C) 18 months.
- (D) 24 months.

(c) **CONSULTATION.**—The Secretary of Defense shall develop the demonstration project in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services. The Secretary of Defense may also coordinate the program with any accredited college, university, hospital-based or community-based mental health center the Secretary considers appropriate.

(d) **SELECTION OF MILITARY INSTALLATION.**—The demonstration project shall be conducted at two military installations, one active duty and one reserve component demobilization station, selected by the Secretary of Defense. The installations selected shall have members of the Armed Forces on active duty and members of the reserve components that use the installation as a training and operating base, with members routinely deploying in support of operations in Iraq, Afghanistan, and other assignments related to the global war on terrorism.

(e) **PERSONNEL REQUIREMENTS.**—The Secretary of Defense shall ensure an adequate number of the following personnel in the program:

(1) Qualified mental health professionals that are licensed psychologists, psychiatrists, psychiatric nurses, or clinical social workers.

(2) Suicide prevention counselors.

(f) **TIMELINE.**—

(1) The demonstration project required by this subsection shall be implemented not later than September 30, 2009.

(2) Authority for this demonstration project shall expire on September 30, 2011.

(g) **REPORTS.**—The Secretary of Defense shall submit to the congressional defense committees—

(1) a plan to implement the demonstration project, including site selection and criteria for choosing the site, not later than June 1, 2009,

(2) an interim report every 180 days thereafter; and

(3) a final report detailing the results not later than January 1, 2012.

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41. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE EVERETT OF ALABAMA, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES

At the end of title subtitle E of title V, insert the following new section:

**SEC. 5 \_\_\_\_ . EXPANDED AUTHORITY FOR INSTITUTIONS OF PROFESSIONAL MILITARY EDUCATION TO AWARD DEGREES.**

(a) **NATIONAL DEFENSE INTELLIGENCE COLLEGE.**—

(1) **IN GENERAL.**—Section 2161 of title 10, United States Code, is amended to read as follows:

**“§ 2161. Degree granting authority for National Defense Intelligence College**

“(a) **AUTHORITY.**—Under regulations prescribed by the Secretary of Defense, the President of the National Defense Intelligence College may, upon the recommendation of the faculty of the National Defense Intelligence College, confer appropriate degrees upon graduates who meet the degree requirements.

“(b) **LIMITATION.**—A degree may not be conferred under this section unless—

“(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

“(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

“(c) **CONGRESSIONAL NOTIFICATION REQUIREMENTS.**—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

“(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education’s National Advisory Committee on Institutional Quality and Integrity; and

“(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

“(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

“(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 108 of such title is amended by striking the item relating to section 2161 and inserting the following new item:

“2161. Degree granting authority for National Defense Intelligence College.”.

(b) NATIONAL DEFENSE UNIVERSITY.—

(1) IN GENERAL.—Section 2163 of such title is amended to read as follows:

**“§ 2163. Degree granting authority for National Defense University**

“(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the President of the National Defense University may, upon the recommendation of the faculty of the National Defense University, confer appropriate degrees upon graduates who meet the degree requirements.

“(b) LIMITATION.—A degree may not be conferred under this section unless—

“(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

“(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

“(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

“(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education’s National Advisory Committee on Institutional Quality and Integrity; and

“(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

“(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House

of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

“(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 108 of such title is amended by striking the item relating to section 2163 and inserting the following new item:

“2163. Degree granting authority for National Defense University.”.

(c) UNITED STATES ARMY COMMAND AND GENERAL STAFF COLLEGE.—

(1) IN GENERAL.—Section 4314 of such title is amended to read as follows:

**“§ 4314. Degree granting authority for United States Army Command and General Staff College**

“(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army Command and General Staff College may, upon the recommendation of the faculty and dean of the college, confer appropriate degrees upon graduates who meet the degree requirements.

“(b) LIMITATION.—A degree may not be conferred under this section unless—

“(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

“(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

“(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

“(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education’s National Advisory Committee on Institutional Quality and Integrity; and

“(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

“(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

“(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 401 of such title is amended by striking the item relating to section 4314 and inserting the following new item:

“4314. Degree granting authority for United States Army Command and General Staff College.”.

(d) UNITED STATES ARMY WAR COLLEGE.—

(1) IN GENERAL.—Section 4321 of title 10, United States Code, is amended to read as follows:

**“§ 4321. Degree granting authority for United States Army War College**

“(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army War College may, upon the recommendation of the faculty and dean of the college, confer appropriate degrees upon graduates who meet the degree requirements.

“(b) LIMITATION.—A degree may not be conferred under this section unless—

“(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

“(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

“(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

“(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education’s National Advisory Committee on Institutional Quality and Integrity; and

“(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

“(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

“(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.”.



(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 401 of such title is amended by striking the item relating to section 4321 and inserting the following new item:

“4321. Degree granting authority for United States Army War College.”.

(e) UNITED STATES NAVAL POSTGRADUATE SCHOOL.—

(1) IN GENERAL.—Section 7048 of such title is amended to read as follows:

**“§ 7048. Degree granting authority for United States Naval Postgraduate School**

“(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President of the Naval Postgraduate School may, upon the recommendation of the faculty of the Naval Postgraduate School, confer appropriate degrees upon graduates who meet the degree requirements.

“(b) LIMITATION.—A degree may not be conferred under this section unless—

“(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

“(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

“(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

“(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education’s National Advisory Committee on Institutional Quality and Integrity; and

“(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

“(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

“(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 605 of such title is amended by striking the item relating to section 7048 and inserting the following new item:

“7048. Degree granting authority for United States Naval Postgraduate School.”.

(f) NAVAL WAR COLLEGE.—

(1) IN GENERAL.—Section 7101 of such title is amended to read as follows:

**“§ 7101. Degree granting authority for Naval War College**

“(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President of the Naval War College may, upon the recommendation of the faculty of the Naval War College components, confer appropriate degrees upon graduates who meet the degree requirements.

“(b) LIMITATION.—A degree may not be conferred under this section unless—

“(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

“(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

“(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

“(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education’s National Advisory Committee on Institutional Quality and Integrity; and

“(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

“(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

“(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 609 of such title is amended by striking the item relating to section 7101 and inserting the following new item:

“7101. Degree granting authority for Naval War College.”.

(g) MARINE CORPS UNIVERSITY.—

(1) IN GENERAL.—Section 7102 of such title is amended to read as follows:

**“§ 7102. Degree granting authority for Marine Corps University**

“(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President of the Marine Corps University may,

upon the recommendation of the directors and faculty of the Marine Corps University, confer appropriate degrees upon graduates who meet the degree requirements.

“(b) LIMITATION.—A degree may not be conferred under this section unless—

“(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

“(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

“(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

“(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education’s National Advisory Committee on Institutional Quality and Integrity; and

“(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

“(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

“(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.

“(d) BOARD OF ADVISORS.—The Secretary of the Navy shall establish a board of advisors for the Marine Corps University. The Secretary shall ensure that the board is established so as to meet all requirements of the appropriate regional accrediting association.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 609 of such title is amended by striking the item relating to section 7102 and inserting the following new item:

“7102. Degree granting authority for Marine Corps University.”.

(h) UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.—

(1) IN GENERAL.—Section 9314 of such title is amended to read as follows:

**“§ 9314. Degree granting authority for United States Air Force Institute of Technology**

“(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Air Force, the commander of Air University may, upon the recommendation of the faculty of the United States Air Force Institute of Technology, confer appropriate degrees upon graduates of

the United States Air Force Institute of Technology who meet the degree requirements.

“(b) LIMITATION.—A degree may not be conferred under this section unless—

“(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

“(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

“(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

“(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education’s National Advisory Committee on Institutional Quality and Integrity; and

“(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

“(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

“(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.

“(d) CIVILIAN FACULTY.—(1) The Secretary of the Air Force may employ as many civilian faculty members at the United States Air Force Institute of Technology as is consistent with the needs of the Air Force and with Department of Defense personnel limits.

“(2) The Secretary shall prescribe regulations determining—

“(A) titles and duties of civilian members of the faculty; and

“(B) pay of civilian members of the faculty, notwithstanding chapter 53 of title 5, but subject to the limitation set out in section 5373 of title 5.

“(e) REIMBURSEMENT.—(1) The Department of the Army, the Department of the Navy, and the Department of Homeland Security shall bear the cost of the instruction at the Air Force Institute of Technology that is received by members of the armed forces detailed for that instruction by the Secretaries of the Army, Navy, and Homeland Security, respectively.

“(2) Members of the Army, Navy, Marine Corps, and Coast Guard may only be detailed for instruction at the Institute on a space-available basis.

“(3) In the case of an enlisted member of the Army, Navy, Marine Corps, and Coast Guard permitted to receive instruction at the Institute, the Secretary of the Air Force shall charge that member

only for such costs and fees as the Secretary considers appropriate (taking into consideration the admission of enlisted members on a space-available basis).

“(f) ACCEPTANCE OF RESEARCH GRANTS.—(1) The Secretary of the Air Force may authorize the Commandant of the United States Air Force Institute of Technology to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the Institute for a scientific, literary, or educational purpose.

“(2) A qualifying research grant under this subsection is a grant that is awarded on a competitive basis by an entity referred to in paragraph (3) for a research project with a scientific, literary, or educational purpose.

“(3) A grant may be accepted under this subsection only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

“(4) The Secretary shall establish an account for administering funds received as research grants under this section. The Commandant of the Institute shall use the funds in the account in accordance with applicable provisions of the regulations and the terms and condition of the grants received.

“(5) Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Institute may be used to pay expenses incurred by the Institute in applying for, and otherwise pursuing, the award of qualifying research grants.

“(6) The Secretary shall prescribe regulations for the administration of this subsection.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 901 of such title is amended by striking the item relating to section 9314 and inserting the following new item:

“9314. Degree granting authority for United States Air Force Institute of Technology.”.

(i) AIR UNIVERSITY.—

(1) IN GENERAL.—Section 9317 of such title is amended to read as follows:

**“§ 9317. Degree granting authority for Air University**

“(a) AUTHORITY.—Except as provided in sections 9314 and 9315 of this title, under regulations prescribed by the Secretary of the Air Force, the commander of Air University may, upon the recommendation of the faculty of the Air University components, confer appropriate degrees upon graduates who meet the degree requirements.

“(b) LIMITATION.—A degree may not be conferred under this section unless—

“(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

“(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

“(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section,

the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

“(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education’s National Advisory Committee on Institutional Quality and Integrity; and

“(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

“(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

“(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 901 of such title is amended by striking the item relating to section 9317 and inserting the following new item:

“9317. Degree granting authority for Air University.”.

(j) EFFECTIVE DATE.—This section shall apply to any degree granting authority established, modified, redesignated or terminated on or after the date of enactment of this Act.

#### 42. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHAKOWSKY OF ILLINOIS, OR HER DESIGNEE, DEBATABLE FOR 5 MINUTES

At the end of subtitle C, add the following new section:

#### **SEC. 824. PERFORMANCE BY PRIVATE SECURITY CONTRACTORS OF INHERENTLY GOVERNMENTAL FUNCTIONS IN AN AREA OF COMBAT OPERATIONS.**

(a) MODIFICATION OF REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the regulations prescribed by the Secretary of Defense pursuant to section 862(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 254; 10 U.S.C. 2302 note) shall be modified to ensure that private security contractors are not authorized to perform inherently governmental functions in an area of combat operations.

(b) GUIDANCE.—After the issuance of regulations to implement the actions required by section 322 of this Act, the Secretary of Defense shall issue supplementary guidance to describe functions that should not be performed by private security contractors because they constitute inherently governmental functions.

(c) PERIODIC REVIEW OF PERFORMANCE OF FUNCTIONS.—

(1) **IN GENERAL.**—The Secretary of Defense shall, in coordination with the heads of other appropriate agencies, periodically review the performance of private security functions in areas of combat operations to ensure that such functions are authorized and performed in a manner consistent with the requirements of this section.

(2) **REPORTS.**—Not later than June 1 of each of 2009, 2010, and 2011, the Secretary shall submit to the congressional defense committees a report on the results of the most recent review conducted under paragraph (1).

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43. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHIFF OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES**

Page 438, after line 6, insert the following (and make such technical and conforming changes as may be appropriate):

**SEC. 1048. STUDY ON METHODS TO VERIFIABLY REDUCE THE LIKELIHOOD OF ACCIDENTAL NUCLEAR LAUNCH.**

(a) **STUDY REQUIRED.**—The Secretary of Defense shall carry out a study to evaluate procedural and physical options for introducing into the nuclear weapons launch procedures of the United States, Russia, China, and any other strategically appropriate nations determined by the Secretary, a time-delay before a launch command can be executed that would be transparent to and verifiable by the other nations. The options studied shall encompass a wide range of possible time-delays and shall include, for each option, an analysis of—

(1) the increased time, over current procedures, before a launch command can be executed;

(2) the strategic risk to United States national security, including the survivability of the United States arsenal under a range of verification failures;

(3) the range of possible inspection regimes, including the degree of verifiability that each would afford; and

(4) the availability of parallel options in the other nations included in such study.

(b) **REPORT.**—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the study. If a report under this subsection is submitted in classified form, the Secretary shall concurrently submit to the congressional defense committees an unclassified version of such report.

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44. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BLUMENAUER OF OREGON, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES**

At the end of subtitle B of title III, add the following new section:

**SEC. 314. DETECTION INSTRUMENT TECHNOLOGY RESEARCH AND DEPLOYMENT OF RESULTING DETECTION INSTRUMENTS AND TECHNOLOGICAL IMPROVEMENTS.**

(a) **RESEARCH REQUIRED.**—The Secretary of Defense shall—

(1) make the research, development, testing, and evaluation of technology related to unexploded ordnance detection a priority; and

(2) accelerate the transition of promising detection instrument technology across the Department of Defense.

(b) **DEPLOYMENT AND TRAINING.**—The Secretary shall facilitate the deployment of unexploded ordnance detection instrument technology developed through research funded by the Department of Defense or developed by entities other than the Department of Defense. The Secretary may consider allocating a portion of the amount appropriated for such research and development activities to assist in the training of operators of unexploded ordnance detection instruments on the use of new detection instruments.

(c) **REPORT.**—Not later than February 1, 2009, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing and evaluating the following:

(1) The amounts allocated for research, development, test, and evaluation for unexploded ordnance detection technologies.

(2) The amounts allocated for transition of new unexploded ordnance technologies.

(3) Activities undertaken by the Department to transition such technologies and train operators on emerging detection instrument technologies.

(4) Any impediments to the transition of new unexploded ordnance detection instrument technologies to regular operation in remediation programs.

(5) The transfer of such technologies to private companies involved in the detection of unexploded ordnance.

(6) Activities undertaken by the Department to raise public awareness regarding unexploded ordnance.

(d) **UNEXPLODED ORDNANCE DEFINED.**—In this section, the term “unexploded ordnance” has the meaning given such term in section 101(e)(5) of title 10, United States Code.

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45. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BORDALLO OF GUAM, OR HER DESIGNEE, DEBATABLE FOR 5 MINUTES

At the end of subtitle C of title XXVIII, insert the following new section:

**SEC. 2829. PORT OF GUAM IMPROVEMENT ENTERPRISE PROGRAM.**

(a) **IN GENERAL.**—The Secretary of Transportation, acting through the Administrator of the Maritime Administration (in this section referred to as the “Administrator”), may establish a Port of Guam Improvement Enterprise Program (in this section referred to as the “Program”) to provide for the planning, design, and construction of projects for the Port of Guam to improve facilities, relieve port congestion, and provide greater access to port facilities.

(b) **AUTHORITIES OF THE ADMINISTRATOR.**—In carrying out the Program, the Administrator may—

(1) receive funds provided for the Program from non-Federal entities, including private entities;



(2) provide for coordination among appropriate governmental agencies to expedite the review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for projects carried out under the Program;

(3) provide for coordination among appropriate governmental agencies in connection with other reviews and requirements applicable to projects carried out under the Program; and

(4) provide technical assistance to the Port Authority of Guam (and its agents) as needed for projects carried out under the Program.

(c) PORT OF GUAM IMPROVEMENT ENTERPRISE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a separate account to be known as the “Port of Guam Improvement Enterprise Fund” (in this section referred to as the “Fund”).

(2) DEPOSITS.—There shall be deposited into the Fund—

(A) amounts received by the Administrator from non-Federal sources under subsection (b)(1);

(B) amounts transferred to the Administrator under subsection (d); and

(C) amounts appropriated to carry out this section under subsection (f).

(3) USE OF AMOUNTS.—Amounts in the Fund shall be available to the Administrator to carry out the Program.

(4) ADMINISTRATIVE EXPENSES.—Not to exceed 3 percent of the amounts appropriated to the Fund for a fiscal year may be used for administrative expenses of the Administrator.

(5) AVAILABILITY OF AMOUNTS.—Amounts in the Fund shall remain available until expended.

(d) TRANSFERS OF AMOUNTS.—Amounts appropriated or otherwise made available for any fiscal year for an intermodal or marine facility comprising a component of the Program shall be transferred to and administered by the Administrator.

(e) LIMITATION.—Nothing in this section shall be construed to authorize amounts made available under section 215 of title 23, United States Code, or any other amounts made available for the construction of highways or amounts otherwise not eligible for making port improvements to be deposited into the Fund.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as may be necessary to carry out this section.

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46. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE OF WISCONSIN, OR HER DESIGNEE, DEBATABLE FOR 5 MINUTES

At the end of title VII, add the following new section:

**SEC. 7 \_\_\_\_ . IMPLEMENTATION OF RECOMMENDATIONS OF DEPARTMENT OF DEFENSE MENTAL HEALTH TASK FORCE.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the implementation by the Department of Defense of recommendations made by the Department of Defense Task Force on Mental Health (in this section referred to as the “Task Force”) developed pursuant to section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348) to ensure a full continuum of psychological

health services and care for members of the Armed Forces and their families.

(b) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the results of the review required by this section. The report shall include such recommendations as the Comptroller General considers appropriate.

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47. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ORTIZ OF TEXAS, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES

At the end of title I, add the following new section:

**SEC. 144. REPORT ON FUTURE JET CARRIER TRAINER REQUIREMENTS OF THE NAVY.**

Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on future jet carrier trainer requirements. The report shall include—

- (1) an assessment of the Navy Strategic Planning Study concerning future jet carrier trainer requirements;
- (2) an assessment of studies conducted by independent organizations concerning future jet carrier trainer requirements;
- (3) a cost-benefit analysis of creating a new program to fulfill future jet carrier trainer requirements;
- (4) a cost-benefit analysis of modifying current programs to fulfill future jet carrier trainer requirements; and
- (5) a plan to address future jet carrier trainer requirements beginning fiscal year 2010.

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48. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KENNEDY OF RHODE ISLAND, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES

At the end of subtitle A of title VII, add the following new section:

**SEC. 708. RESERVE COMPONENT BEHAVIORAL HEALTH CARE PROVIDER LOCATOR AND APPOINTMENT ASSISTANCE DEMONSTRATION PROJECT.**

(a) **DEMONSTRATION PROJECT.**—The Secretary of Defense shall conduct a demonstration project to assess the feasibility and efficacy of providing a behavioral health care provider locator and appointment assistance service to members of the reserve components of the Armed Forces.

(b) **ELEMENTS.**—The demonstration project shall include, at a minimum, a toll-free hotline, staffed and available 24 hours a day 7 days a week, to help members of the reserve components find behavioral health care providers and schedule outpatient appointments in the TRICARE network.

(c) **ELIGIBILITY.**—In order to be eligible for the demonstration project, a member of the Armed Forces shall meet the following requirements:

- (1) Be a member of the Selected Reserve.
- (2) Be enrolled in TRICARE Reserve Select.

(d) IMPLEMENTATION.—The demonstration project shall be implemented not later than 180 days after the date of the enactment of this Act.

(e) SUNSET.—The authority for the demonstration project required by this section shall expire on September 30, 2011.

(f) REPORTS.—The Secretary of Defense shall submit to the congressional defense committees the following reports:

(1) PLAN.—Not later than 90 days after the date of the enactment of this Act, a report containing a plan to implement the demonstration project required by this section.

(2) UPDATES.—Not later than 180 days after such date of enactment and every 180 days thereafter, a report containing an update on the demonstration project.

(3) FINAL EVALUATION.—Not later than January 1, 2012, a report containing a final written evaluation, including recommendations for the extension or expansion of the demonstration project.

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49. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ISRAEL OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES

Add at the end of subtitle B of title III the following new section:

**SEC. 314. CLOSED LOOP RECYCLING FOR MOTOR VEHICLE LUBRICATING OIL.**

(a) STUDY AND EVALUATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report which reviews the Department of Defense's policies concerning the sale and disposal of used motor vehicle lubricating oil, and shall include in the report an evaluation of the feasibility and desirability of implementing policies to require closed loop recycling of used oil as a means of reducing total indirect energy usage and greenhouse gas emissions.

(b) IMPLEMENTATION.—To the extent that the evaluation included in the report submitted under subsection (a) indicates that closed loop recycling of used motor vehicle lubricating oil can reduce total indirect energy usage and greenhouse gas emissions without significant increase in overall cost to the Department of Defense, the Secretary shall implement policies to require closed loop recycling of used oil whenever feasible.

(c) DEFINITION.—For purposes of this section, the term “closed loop recycling” means the sale of used oil to entities that re-refine used oil into base oil and vehicle lubricants that meet Department of Defense and industry standards, and the purchase of re-refined oil produced through such re-refining process.

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50. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ISRAEL OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XII, add the following new section:

**SEC. 12 . EMPLOYMENT FOR RESETTLED IRAQIS.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly establish and operate a temporary program to

offer employment as translators, interpreters, or cultural awareness instructors to individuals described in subsection (b).

(b) **ELIGIBILITY.**—Individuals referred to in subsection (a) are individuals, in the determination of the Secretary of State, in coordination with the Secretary of Defense and the Secretary of Homeland Security, who—

(1) are Iraqi nationals lawfully present in the United States; and

(2) worked, for at least 12 months since 2003, as translators in the Republic of Iraq for the United States Armed Forces or other agency of the United States Government.

(c) **FUNDING.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the program established under subsection (a) shall be funded from the annual general operating budget of the Department of Defense.

(2) **EXCEPTION.**—The Secretary of State shall reimburse the Department of Defense for any costs associated with individuals described in subsection (b) whose work was for the Department of State.

(d) **RULE OF CONSTRUCTION REGARDING ACCESS TO CLASSIFIED INFORMATION.**—Nothing in this section may be construed as affecting in any manner practices and procedures regarding the handling of or access to classified information.

(e) **INFORMATION SHARING.**—The Secretary of Defense and the Secretary of State shall work with the Secretary of Homeland Security, the Office of Refugee Resettlement of the Department of Health and Human Services, and nongovernmental organizations to ensure that Iraqis resettled in the United States are informed of the program established under subsection (a).

(f) **REGULATIONS.**—The Secretary of Defense, in coordination with the Secretary of State, shall prescribe such regulations as are necessary to carry out the program established under subsection (a), including establishing pay scales and hiring procedures, and determining the number of positions required to be filled.

(g) **TERMINATION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the program established under subsection (a) shall terminate on December 31, 2014.

(2) **EARLIER TERMINATION.**—If the Secretary of Defense, in coordination with the Secretary of State, determines that the program established under subsection (a) should terminate before the date specified in paragraph (1), the Secretaries may terminate the program if the Secretaries notify Congress in writing of such termination at least 180 days before such termination.

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51. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHWARTZ OF PENNSYLVANIA, OR HER DESIGNEE, DEBATABLE FOR 5 MINUTES

Add at the end of title X the following new section:

**SEC. 1071. USE OF RUNWAY AT NASJRB WILLOW GROVE, PENNSYLVANIA.**

(a) **CONDITIONS ON CONVEYANCE, GRANT, LEASE, OR LICENSE.**—Any conveyance, grant, lease, or license from the United States to the Commonwealth of Pennsylvania or other legal entity that includes the airfield property located at NASJRB Willow Grove and designated for operation as a Joint Interagency Installation pursuant to section 3703 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (121 Stat. 145) shall be subject to the restrictions on the use of the airfield set forth in subsection (b).

(b) **RESTRICTIONS ON USE.**—The airfield at the installation shall not be used for any of the following purposes:

(1) Commercial passenger operations.

(2) Commercial cargo operations.

(3) Commercial, business, or nongovernment aircraft operations for purposes not related to the missions of the installation, except that this paragraph shall not apply in exigent circumstances or prohibit use of the airfield by or on behalf of any associated user which is a tenant of the installation.

(4) As a reliever airport to relieve congestion at other airports or to provide improved general aviation access to the overall community, except that this paragraph shall not apply in exigent circumstances.

(c) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed to diminish or alter authorized uses of the installation, including the military enclave that is part thereof, by the United States or its agencies or instrumentalities or to limit use of the property in exigent circumstances.

(d) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **AIRFIELD.**—The term “airfield” means the airfield referred to in subsection (a).

(2) **ASSOCIATED USERS.**—The term “associated users” means nongovernmental organizations and private entities that use the airfield for purposes related to the national defense, homeland security, and emergency preparedness missions of the installation.

(3) **EXIGENT CIRCUMSTANCES.**—The term “exigent circumstances” means unusual conditions, including adverse or unusual weather conditions, alerts, and actual or threatened emergencies that are determined by the installation to require limited-duration use of the installation or its airfield for operations, including flying operations, for uses otherwise restricted under subsection (b).

(4) **COMMERCIAL CARGO OPERATIONS.**—The term “commercial cargo operations” means aircraft operations by a commercial cargo or freight carrier in cases in which cargo is delivered to or flown from the installation under established schedules, except that the term does not include any cargo operations undertaken by or on behalf of any user of the installation or cargo operations related to the national defense, homeland security, and emergency preparedness missions of the installation.

(5) **COMMERCIAL PASSENGER OPERATIONS.**—The term “commercial passenger operations” means aircraft passenger operations by commercial passenger carriers involving flights

where passengers are boarded or enplaned at the installation, except that the term does not include passenger operations undertaken by or on behalf of any user of the installation or passenger operations related to the national defense, homeland security, and emergency preparedness missions of the installation.

(6) **INSTALLATION.**—The term “installation” means the Joint Interagency Installation referred to in subsection (a).

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52. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF GEORGIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VII, add the following new section:

**SEC. 734. TRANSITIONAL HEALTH CARE FOR CERTAIN MEMBERS OF THE ARMED FORCES WHO AGREE TO SERVE IN THE SELECTED RESERVE OF THE READY RESERVE.**

(a) **PROVISION OF TRANSITIONAL HEALTH CARE.**—Section 1145(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(E) A member who is separated from active duty who agrees to become a member of the Selected Reserve of the Ready Reserve of a reserve component.”.

(b) **EFFECTIVE DATE.**—Subparagraph (E) of section 1145(a)(2) of title 10, United States Code, as added by subsection (a), shall apply with respect to members of the Armed Forces separated from active duty after the date of the enactment of this Act.

(c) **OFFSET.**—The amount in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby reduced by \$22,000,000, to be derived from the Missile Defense Agency.

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53. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BRALEY OF IOWA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title XII, insert the following new section:

**SEC. 12 \_\_\_\_ . REPORT ON LONG-TERM COSTS OF OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.**

(a) **FINDINGS.**—Congress finds the following:

(1) The United States has been engaged in military operations in Afghanistan since October 2001 and in military operations in Iraq since March 2003.

(2) According to the Congressional Research Service, to date, Congress has appropriated \$700,000,000,000 from fiscal year 2001 through fiscal year 2008 for the Department of Defense, the State Department, and for medical costs paid by the Department of Veterans Affairs. This amount includes \$526,000,000,000 for Iraq and \$140,000,000,000 for Afghanistan and other counterterror operations. Among other expenditures, this amount includes funding for combat operations; deploying, transporting, feeding, and housing troops; deployment of National Guard and Reserve troops; the equipping and training of Iraqi and Afghani forces; purchasing, upgrading, and repairing weapons, munitions and other equipment; supplemental combat pay and benefits; providing medical care to

troops on active duty and returning veterans; reconstruction and foreign aid; and payments to other countries for logistical assistance.

(3) Over 90 percent of Department of Defense funds for operations in Iraq and Afghanistan have been provided as emergency funds in supplemental or additional appropriations.

(4) The Congressional Budget Office and the Congressional Research Service have stated that future war costs are difficult to estimate because the Department of Defense has provided little detailed information on costs incurred to date, does not report outlays or actual expenditures for war because war and baseline funds are mixed in the same accounts, and does not provide information on many key factors which determine costs, including personnel levels or the pace of operations.

(5) To date, the administration has not provided any long-term estimates of war costs, despite a statutory reporting requirement that the President submit a cost estimate for fiscal year 2006 through fiscal year 2011 that was enacted in 2004.

(6) Operating costs in Iraq and Afghanistan have been increasing steadily since 2003, and war costs in Iraq have sharply increased from \$50,000,000,000 in 2003 to approximately \$134,000,000,000 for fiscal year 2007, to the \$154,000,000,000 request for fiscal year 2008.

(7) The Iraq Study Group Report states that, “the United States has made a massive commitment to the future of Iraq in both blood and treasure,” warns that “the United States must expect significant ‘tail costs’ to come”, and predicts that “Caring for veterans and replacing lost equipment will run into the hundreds of billions of dollars. Estimates run as high as \$2 trillion for the final cost of the U.S. involvement in Iraq”.

(8) The Iraq Study Group Report also finds that “This level of expense is not sustainable over an extended period. . .”.

(9) The use of government contractors and private military firms has reached unprecedented levels, with over 100,000 contractors operating in Iraq.

(10) Over 1,600,000 American troops have served in Afghanistan and Iraq since the beginning of the conflicts.

(11) Over 4,050 United States troops and Department of Defense civilian personnel have been killed in Operation Iraqi Freedom, and over 490 United States troops and Department of Defense civilian personnel have been killed in Operation Enduring Freedom.

(12) National Guard and Reserve troops are being deployed in support of these conflicts at unprecedented levels.

(13) Many troops are serving multiple deployments, and one-third of those serving in the Iraq war have been deployed two or more times.

(14) Over 1,100 service members have suffered amputations as a result of their service in Afghanistan and Iraq.

(15) More than 100,000 Iraq and Afghanistan veterans have been treated for mental health conditions.

(16) 52,000 Iraq and Afghanistan veterans have been diagnosed with Post-Traumatic Stress Disorder.

(17) Nearly 37 percent of soldiers returning from Iraq and Afghanistan have sought treatment at Department of Veterans Affairs hospitals and clinics.

(18) Many troops have suffered multiple injuries, with veterans claiming an average of five separate conditions.

(19) The Independent Review Group on Rehabilitative Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center identified Traumatic Brain Injury, Post-Traumatic Stress Disorder, increased survival of severe burns, and traumatic amputations as the four signature wounds of the current conflicts, and found that the “numbers of servicemembers surviving with...complex injuries have challenged our modern military medical system and exposed weakness and breakdowns in access to care, as well as continuity of care management and follow-on administrative processes”.

(20) The Independent Review Group report also states that the recovery process “can take months or years and must accommodate recurring or delayed manifestations of symptoms, extended rehabilitation and all the life complications that emerge over time from such trauma”.

(b) **REPORT REQUIREMENT; SCENARIOS.**—Not later than 90 days after the date of the enactment of this Act, the President, with contributions from the Secretary of Defense, the Secretary of State, and the Secretary of the Department of Veterans Affairs, shall submit a report to Congress containing an estimate of the long-term costs of Operation Iraqi Freedom and Operation Enduring Freedom. The report shall contain estimates for the following scenarios:

(1) The number of personnel deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom is reduced from current levels to 30,000 by the beginning of fiscal year 2010 and remains at that level through fiscal year 2017.

(2) The number of personnel deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom is reduced from current levels to 75,000 by the beginning of fiscal year 2013 and remains at that level through 2017.

(3) An alternative scenario, defined by the President and based on current war plans, which takes into account expected troop levels and the expected length of time that troops will be deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom.

(c) **SPECIAL CONSIDERATIONS.**—The estimates required for each scenario shall make projections through at least fiscal year 2068, shall be adjusted appropriately for inflation, and shall take into account and specify the following:

(1) The total number of troops expected to be activated and deployed to Iraq and Afghanistan during the course of Operation Iraqi Freedom and Operation Enduring Freedom. This number shall include all troops deployed in the region in support of Operation Iraqi Freedom and Operation Enduring Freedom and activated reservists in the United States who are training, backfilling for deployed troops, or supporting other Department of Defense missions directly or indirectly related to Operation Iraqi Freedom and Operation Enduring Freedom.



This number shall also break down activations and deployments of Active Duty, Reservists, and National Guard troops.

(2) The number of troops, including National Guard and Reserve troops, who have served and who are expected to serve multiple deployments.

(3) The number of contractors and private military security firms that have been utilized and are expected to be utilized during the course of the conflicts in Iraq and Afghanistan.

(4) The number of veterans currently suffering and expected to suffer from Post-Traumatic Stress Disorder, Traumatic Brain Injury, or other mental injuries.

(5) The number of veterans currently in need of and expected to be in need of prosthetic care and treatment because of amputations incurred during Operation Iraqi Freedom and Operation Enduring Freedom.

(6) The current number of pending Department of Veterans Affairs claims from Iraq and Afghanistan veterans, and the total number of Iraq and Afghanistan veterans expected to seek disability compensation benefits from the Department of Veterans Affairs.

(7) The total number of troops who have been killed and wounded in Iraq and Afghanistan to date, including noncombat casualties, the total number of troops expected to suffer injuries in Iraq and Afghanistan, and the total number of troops expected to be killed in Iraq and Afghanistan, including non-combat casualties.

(8) Funding already appropriated for the Department of Defense, the Department of State, and the Department of Veterans Affairs for costs related to the wars in Iraq and Afghanistan. This shall include an account of the amount of funding from regular Department of Defense, Department of State, and Department of Veterans Affairs budgets that has gone and will go to Iraq and Afghanistan.

(9) Current and future operational expenditures, including funding for combat operations; deploying, transporting, feeding, and housing troops (including fuel costs); deployment of National Guard and Reserve troops; the equipping and training of Iraqi and Afghani forces; purchasing, upgrading, and repairing weapons, munitions and other equipment; and payments to other countries for logistical assistance.

(10) Past, current, and future cost of government contractors and private military security firms.

(11) Average annual cost for each troop deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom, including room and board, equipment and body armor, transportation of troops and equipment (including fuel costs), and operational costs.

(12) Current and future cost of combat-related special pays and benefits, including reenlistment bonuses.

(13) Current and future cost of activating National Guard and Reserve forces and paying them on a full-time basis.

(14) Current and future cost for reconstruction, embassy operations and construction, and foreign aid programs for Iraq and Afghanistan.

(15) Current and future cost of bases and other infrastructure to support United States troops in Iraq and Afghanistan.

(16) Current and future cost of providing healthcare for returning veterans. This estimate shall include the cost of mental health treatment for veterans suffering from Post-Traumatic Stress Disorder and Traumatic Brain Injury, and other mental problems as a result of their service in Operation Iraqi Freedom and Operation Enduring Freedom. This estimate shall also include the cost of lifetime prosthetics care and treatment for veterans suffering from amputations as a result of their service in Operation Iraqi Freedom and Operation Enduring Freedom.

(17) Current and future cost of providing Department of Veterans Affairs disability benefits for lifetime of veterans.

(18) Current and future cost of providing survivors' benefits to survivors of service members.

(19) Cost of bringing troops and equipment home at the end of the wars, including cost of demobilizing troops, transporting troops home (including fuel costs), providing transition services from active duty to veteran status, transporting equipment, weapons, and munitions (including fuel costs), and an estimate of the value of equipment which will be left behind.

(20) Cost to restore the military and military equipment, including the National Guard and National Guard equipment, to full strength after the wars.

(21) Cost of the administration's plan to permanently increase the Army and Marine Corps by 92,000 over the next six years.

(22) Amount of money borrowed to pay for the wars in Iraq and Afghanistan, and the sources of that money.

(23) Interest on borrowed money, including interest for money already borrowed and anticipated interest payments on future borrowing for the war in Iraq and the war in Afghanistan.

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54. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CARNEY OF PENNSYLVANIA, OR HIS DESIGNEE, DEBATABLE FOR 5 MINUTES

Page 187, after the matter at the end of the page, add the following (and make such technical and conforming changes as may be appropriate):

**SEC. 583. SENSE OF THE CONGRESS REGARDING HONOR GUARD DETAILS FOR FUNERALS OF VETERANS.**

It is the sense of the Congress that the Secretaries of the military departments should, to the maximum extent practicable, provide honor guard details for the funerals of veterans as is required under section 1491 of title 10, United States Code, as added by section 567(b) of Public Law 105-261 (112 Stat. 2030).

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55. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ELLSWORTH OF INDIANA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In the appropriate place in title VIII, insert the following:

**SEC. 8 \_\_\_\_ . REQUIREMENT FOR DEFENSE CONTRACT CLAUSE PROHIBITING CERTAIN USES OF FOREIGN SHELL COMPANIES.**

(a) **CONTRACT CLAUSE REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require each contract awarded by the Department of Defense to contain a clause prohibiting the contractor from performing the contract using a subsidiary or subcontractor that is a foreign shell company if the foreign shell company will perform the work of the contract or subcontract using United States citizens or permanent residents of the United States.

(b) **FOREIGN SHELL COMPANY.**—In this section, the term “foreign shell company” means an entity—

(1) that is incorporated outside the United States or Canada; and

(2) that does not manage, direct, or exercise operational control over personnel performing work under a contract of the entity.

(c) **APPLICABILITY.**—The contract clause required by this section shall apply to contracts in amounts greater than the simplified acquisition threshold (as defined in section 2302a of title 10, United States Code) entered into after the 210-day period beginning on the date of the enactment of this Act.

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**56. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HODES OF NEW HAMPSHIRE, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES**

At the end of title X, add the following new section:

**SEC. 1071. PROHIBITIONS RELATING TO PROPAGANDA.**

(a) **PROHIBITION.**—No part of any funds authorized to be appropriated in this or any other Act shall be used by the Department of Defense for propaganda purposes within the United States not otherwise specifically authorized by law.

(b) **REPORTS.**—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Defense and the Comptroller General of the United States shall each conduct a study of, and submit to the Congress a report on, the extent to which the Department of Defense has violated the prohibition on propaganda established in section 8001 of Public Laws 107–117, 107–248, 108–87, 108–287, 109–148, 109–289, and 110–116, the Department of Defense Appropriations Acts for fiscal years 2002 through 2008.

(c) **DEFINITION.**—For purposes of this section, the term “propaganda” means any form of communication in support of national objectives designed to influence the opinions, emotions, attitudes, or behavior of the people of the United States in order to benefit the sponsor, either directly or indirectly.

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**57. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE YARMUTH OF KENTUCKY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of subtitle B of title XII of the bill, add the following new section:

**SEC. 12xx. DECLARATION OF POLICY RELATING TO STATUS OF FORCES AGREEMENTS BETWEEN THE UNITED STATES AND IRAQ.**

(a) **DECLARATION OF POLICY.**—It shall be the policy of the United States to ensure that any agreement between the United States and the Republic of Iraq relating to the legal status of United States military personnel or the establishment of or access to military bases includes as part of the agreement measures requiring the provision of support by the Government of Iraq for United States Armed Forces stationed in Iraq.

(b) **SUPPORT DESCRIBED.**—Support referred to in subsection (a) may include the provision of financial or other types of support to assist United States Armed Forces stationed in Iraq in the conduct of their assigned mission.

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**58. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOSTER OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of title XXXI, insert the following:

**SEC. 3113. ENHANCING NUCLEAR FORENSICS CAPABILITIES.**

(a) **NNSA FELLOWSHIP PROGRAM FOR GRADUATE STUDENTS IN NUCLEAR CHEMISTRY.**—

(1) **IN GENERAL.**—The Administrator for Nuclear Security shall establish a fellowship program for graduate students who are Ph.D. candidates in the field of nuclear chemistry.

(2) **SENSE OF CONGRESS.**—It is the sense of Congress that the fellowship program should—

(A) support at least six graduate students per year; and

(B) require each graduate student to spend at least two summers in a national security laboratory over the course of the program.

(3) **FUNDING.**—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available from amounts for weapons activities from the National Nuclear Security Administration for national technical nuclear forensics for fiscal year 2009, \$3,000,000 shall be available to establish the fellowship program.

(4) **PLAN.**—No later than February 1, 2009, the Administrator shall submit to the congressional defense committees a plan describing the costs of continuing the program for fiscal year 2010 and thereafter.

(b) **NNSA RESEARCH AND DEVELOPMENT PROGRAM ON NUCLEAR FORENSICS RADIATION-MEASUREMENT EQUIPMENT.**—

(1) **IN GENERAL.**—The Administrator for Nuclear Security shall carry out a research and development program to improve the speed and accuracy of nuclear forensics radiation-measurement equipment.

(2) **FUNDING.**—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available from amounts for weapons activities from the National Nuclear Security Administration for national technical nuclear forensics for fiscal year 2009, \$2,000,000 shall be available to carry out the research and development program.

(3) **PLAN.**—No later than February 1, 2009, the Administrator shall submit to the congressional defense committees a

plan for the research and development program, including a description of the costs of continuing the program for fiscal year 2010 and thereafter.

(c) RESEARCH AND DEVELOPMENT PLAN FOR NUCLEAR FORENSICS AND ATTRIBUTION.—

(1) RESEARCH AND DEVELOPMENT.—The Secretary of Energy shall prepare a research and development plan to prioritize research and development efforts in the Department of Energy, and at the national laboratories overseen by offices of the Department of Energy, on the technical capabilities required—

(A) to enable a robust and timely nuclear forensic response to a nuclear explosion or to the interdiction of nuclear material or a nuclear weapon anywhere in the world; and

(B) to develop an international database containing data on nuclear material, to enable the attribution of nuclear material or a nuclear weapon to its source.

(2) REPORTS.—

(A) The Secretary of Energy shall submit to the congressional defense committees—

(i) not later than 6 months after the date of enactment of this Act, a report on the contents of the research and development plan described in paragraph (1), and any legislative changes required to implement the plan; and

(ii) not later than 18 months after the date of enactment of this Act, a report on the implementation status of the plan.

(B) The Secretary shall submit each report required by this subsection in unclassified form, but may include a classified annex with such report.

(d) ADDITIONAL INFORMATION TO BE INCLUDED IN REPORT ON NUCLEAR FORENSICS CAPABILITIES.—Section 3129(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 585) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(4) any legislative, regulatory, or treaty actions necessary to facilitate international cooperation in enhancement of international nuclear-material databases and the linking of those databases to enable prompt data access.”.

(e) REPORT ON NUCLEAR FORENSICS ADVISORY PANEL.—

(1) ESTABLISHMENT.—The Secretary of Defense, in consultation with the Secretary of Energy and the Secretary of Homeland Security, shall submit a report describing a joint recommendation for establishing an independent Nuclear Forensics Advisory Panel of recognized experts not directly associated with the Federal laboratories.

(2) ROLE OF INDEPENDENT PANEL.—The function of such an independent panel should be to provide independent validation of any Federal nuclear forensics analysis.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretaries referred to in paragraph

(1) shall submit a report on the structure and membership of the panel required by that paragraph. The report shall be submitted to—

(A) the Committee on Appropriations, Committee on Armed Services, and Committee on Homeland Security of the House of Representatives; and

(B) the Committee on Appropriations, Committee on Armed Services, and Committee on Homeland Security and Government Affairs of the Senate.

(f) **PRESIDENTIAL REPORT ON INVOLVEMENT OF SENIOR-LEVEL EXECUTIVE BRANCH LEADERSHIP IN CERTAIN EXERCISES THAT INCLUDE NUCLEAR FORENSICS ANALYSIS.**—Not later than 90 days after the date of the enactment of this Act, the President shall submit a report on the involvement of senior-level executive branch leadership in planned nuclear terrorism preparedness exercises that have nuclear forensics analysis as a component of the exercise. The report shall be submitted to—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security and Government Affairs of the Senate.